Commentary
September 2001

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David Berger

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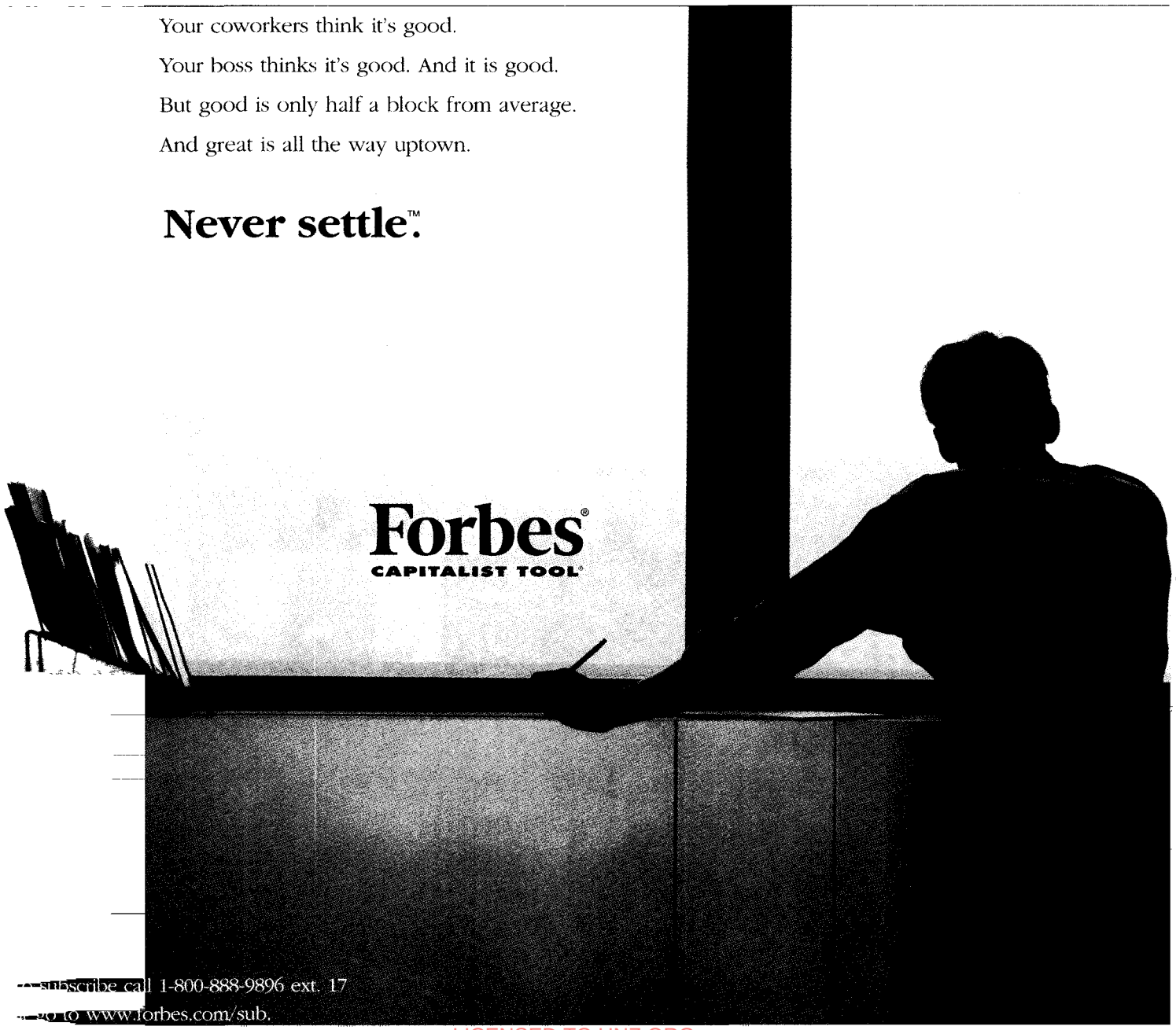

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Letters from Readers

First Causes

To the Editor:

Were he a veiled dancer, David Berlinski could not have beckoned more seductively in trying to deliver a resolution to the question he poses ["What Brings a World Into Being?," April]. He dances feverishly with information theory, linguistics, particle physics, biology, literature, and—almost but not quite—theology.

His seemingly inescapable conclusion: that the world is too complex to have sprung full blown from itself. Thus: "The laws of physics . . . must provide an explanation for the behavior of matter in all of its modes, and so they must explain the *emergence* as well as the organization of material objects" (emphasis in the original). Or: "Plainly, the creation of something from nothing cannot be explained in terms of the behavior of material objects."

But physics is the study of the principles underlying the relation between matter and energy. It is *not* the study of causes—and certainly not of *first* causes, which is a concern of theology.

When considering a closed system—that is, a system within which all entities are known and defined—the human mind cannot grasp the possibility of spontaneous creation. An apple cannot appear on a table unless someone puts it there. Spontaneous generation of an idea? A feeling? A bit of magic and a dove from a puff of smoke? A movie that creates whole epochs out of projected images? No. These are all understandable (to most of us).

But what about our universe? Is it so clear and well defined that we know that matter does not just come into existence? We must resist the tendency to label and define. There are limits that confine imagination to the already known.

David Berlinski blurs the distinctions that natural scientists have struggled for centuries to establish. This smacks of the tactics of the religious Right. Rhetoric is argument. Argument is propaganda. Propaganda may also be a form of information—but it is not science.

Robin Rapport
Rush, New York

To the Editor:

David Berlinski informs us, albeit obliquely, that cosmologists are on the wrong track. Astonishingly, they think that the universe came from nothing.

Without ever stating as much, Mr. Berlinski seems to invoke the old theological idea of "intelligent design," according to which the complexity we see in nature could only come from an intelligent source outside of nature. In doing so, he holds up to contempt cosmologists, physicists, and other scientists.

At the risk of stating the obvious, I would simply point out that many of yesterday's scientific mysteries have been solved in today's academies and laboratories. I think that we will just keep chipping away at the these marvelous cosmological problems—and that we will keep uncovering answers fact by painful fact.

Louis S. Lyons
Woodland Hills, California

To the Editor:

David Berlinski asks many questions but accepts very few answers. He apparently refuses to believe in biological evolution, the Big Bang, contemporary neuroscience, or current theories about the behavior of cells and DNA. Does he even believe in the existence of cells and DNA? I would not venture a guess.

It is true that we do not understand everything. And even where we have some understanding, it is not absolute. But summarily to dismiss as rubbish whole scientific disciplines does not strike me as very helpful.

Matthew Johnson
New York City

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TO THE EDITOR:

David Berlinski ends his article with a question that paraphrases his title: "Just how did the information latent in the fundamental laws of physics unfold itself to become a world?" His answer: "Apparently it just did."

Mr. Berlinski discussed a similar subject—the astonishing complexity of the biological world—in "The Deniable Darwin" (COMMENTARY, June 1996). The "assumption of religious belief," he wrote, is that this complexity came about when "God said, 'Let the waters swarm with swarms of living creatures, and let fowl fly above the earth in the open firmament of heaven'. . . . And who on the basis of experience would be inclined to disagree? . . . An act of intelligence is required to bring even a thimble into being; why should the artifacts of life be different?"

Has Mr. Berlinski changed his mind since then? Or is his refrain of "Apparently it just did" merely a provocative way to express his faith in the Bible?

GEORGE JOCHNOWITZ
College of Staten Island
Staten Island, New York

TO THE EDITOR:

David Berlinski's conclusion in "What Brings a World into Being?" was strangely evocative of the opening words of the Gospel of John. Mr. Berlinski tells us that "It is only when information is assigned the power to bring something into existence from *nothing whatsoever* that its essentially magical nature is revealed" (emphasis in the original). John 1:1-3 reads, "In the beginning was the Word . . . and the Word was God. . . . All things were made by him."

ALFRED R. MATTHEWS
Garner, North Carolina

TO THE EDITOR:

David Berlinski grapples with ultimate subjects—the universe, evolution, creation—with wit and grace and, most importantly, total independence from the orthodoxies and received wisdom of the scientific establishment. With the humility and awe of the true scientist, he reminds us that we live in a universe of mysteries.

To those of us who are simple-minded, these mysteries seem to be miracles (dictionary definition: "an extraordinary event manifesting divine intervention in human affairs"). But since it is intellectually forbidden these days to believe in divine anything, modern scientists pretend to understand such phenomena by inventing new terminology. The alleged explosive creation of the universe from a point the size of a pinhead is thus called a "singularity." David Berlinski avoids such pretense; he calls a mystery a mystery.

ERIC JULBER
Carmel, California

TO THE EDITOR:

David Berlinski is right. The notion of information has become ubiquitous in contemporary science, and it carries the same sense of imperial destiny as have other universal ideas. The idea of information may be the hardest of all to resist, for it promises nothing less than the power, as Mr. Berlinski suggests, to bring our very world into being.

Can it really be the information contained in a novel that brings an imaginative world into existence, or the information in a molecule that creates an organism? Mr. Berlinski seems to think not. Yet for him, "It is only when information is assigned the power to bring something into existence from *nothing whatsoever* that its essentially magical nature is revealed" (emphasis in the original).

Maybe so, but it is possible to detect quite a bit of magic in the power attributed to information even in what he calls the "low tavern of thought" of biology. We need only to look a little more closely at the sleight of hand involved in the idea of pulling an organism out of a molecule of DNA.

Mr. Berlinski identifies two parts of the difficulty: the first is to be found in the "computational wilderness" of protein-folding, and the second in the regulation of global properties that maintain the cell or organism as a living system. Both of these point to gaps in our understanding of the relation between genotype and phenotype that have become ever more conspicuous since we have learned to read the genome's sequences.

But there are other difficulties as well. For example, what exactly are "the causal pathways initiated by DNA" (to use Mr. Berlinski's phrase)? The common assumption is that DNA "causes" protein synthesis and replication, but the notion of cause is almost as elusive as that of information, and it is worth scrutinizing this claim as well.

No one would argue that the digital structure of DNA allows for an extraordinarily high degree of specificity—that is, of information, in the colloquial sense of the term. But actual responsibility for initiating the chemical reactions leading to replication and protein synthesis lies in the enzymatic machinery that performs these tasks. Furthermore, while nucleotide sequences certainly carry vital information, they do not carry enough to determine when, where, or even how faithfully replication occurs, or when and where protein synthesis occurs. Nor do they determine exactly which proteins are to be synthesized.

There is no problem in saying that DNA carries indispensable information for bringing an organism into being, or that it has a kind of causal power—as long as we are clear about what we mean. The sleight of hand is in the implication that it is the only source of information, the only causal agency at work. And for that implication, the conjurer relies on the imprecision of our terms, and on the ease with which we slide from one meaning to another.

EVELYN FOX KELLER
Massachusetts Institute of Technology
Cambridge, Massachusetts

DAVID BERLINSKI writes:

The idea that, to quote Robin Rapport, the world (or anything else) sprang "full blown *from itself*" (my emphasis) collapses into contradiction as soon as it is expressed. An object can no more be its own cause than a man may be his own father.

The seemingly spontaneous emergence of material objects is another story. Virtual particles pop up in the universe described by quantum electrodynamics and then quickly pop back

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A world of ideas on public policy.

Rethinking Health Insurance

By Milton Friedman

Since the end of World War II, the provision of medical care in the United States and other advanced countries has displayed three major features: first, rapid advance in the science of medicine; second, large increases in spending, both in terms of inflation-adjusted dollars per person and the fraction of national income spent on medical care; and third, rising dissatisfaction with the delivery of medical care, on the part of both consumers of medical care, and physicians and other suppliers of medical care.

A key difference between medical care and other technological revolutions is the role of government. In other technological revolutions, the initiative, financing, production, and distribution were primarily private, though government sometimes played a supporting or regulatory role. In medical care, government has come to play a leading role in financing, producing, and delivering medical service. Direct government spending on healthcare now exceeds 75 percent of total health spending for 15 Organization for Economic Cooperation and Development (OECD) countries. For the U.S., the figure is 46 percent.

Two simple observations are key to explaining both the high level of spending on medical care and the dissatisfaction with that spending. The first is that most payments to physicians or hospitals or other caregivers for medical care are made not by the patient but by a third party – an insurance company or employer or governmental body. The second is that nobody spends somebody else's money as wisely or as frugally as he spends his own. These statements apply equally to other OECD countries.

Why are most medical payments made by third parties? The answer for the United States begins with the fact that medical care expenditures are exempt from federal income tax if, and only if, medical care is provided by

> ***A key difference between medical care and other technological revolutions is the role of government***

the employer. If an employee pays directly for medical care, the expenditure comes out of the employee's income after income tax. That strong incentive explains why most consumers get their medical care through their own employer, or their spouse's or parents' employer.

The tax exemption of employer-provided medical care in the U.S. has two different effects, both of which raise healthcare costs. First, it leads American workers to rely on their employer, rather than themselves, to make arrangements for medical care. Second, it leads employees to take a larger fraction of their total remuneration in the form of medical care than they would if spending on medical care had the same tax status as other expenditures.

Employer financing of medical care in the U.S. has caused the term "insurance" to acquire a rather different meaning in medicine than in most other contexts. We generally rely on insurance to protect us against events that are highly unlikely to occur but involve large losses if they do occur – major catastrophes, not minor regularly recurring expenses. We insure our houses against loss from fire, not against the cost of having to mow the lawn. We insure our cars against liability to others or major damage, not against having to pay for gasoline. Yet in medicine, it has become common to rely on insurance to pay for regular medical examinations and often for prescriptions.

Moreover, the states and the federal government have increasingly specified the coverage of insurance for medical care to a detail not common in other areas. The effect has been to raise the cost of insurance and to limit the options open to individuals. If the tax exemption for employer-provided medical care had never been enacted, the insurance market for medical care would probably have developed as other insurance markets have – as a way of providing for catastrophic, out-of-the-ordinary costs, not for routine expenditures.

Throughout the OECD countries, third-party payment has required the bureaucratization of medical care and, in the process, has changed the character of the relation between physicians or other caregivers and patients. A medical transaction is not simply between a caregiver and a patient; it has to be approved as "covered" by a private, or public-sector bureaucrat and the appropriate payment authorized. An inescapable result is that the interest of the patient is often in direct conflict with the interests of the caregiver's ultimate employer – whether the latter is a government or a corporation.

Milton Friedman, recipient of the 1976 Nobel Memorial Prize for economic science, has been a senior research fellow at the Hoover Institution since 1977. This article was excerpted from the Winter 2001 issue of The Public Interest (www.thepublicinterest.com).

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down; but even such particles do their popping within a pre-existing structure: the quantum vacuum, which contains a seething electron-positron field. These strange quantum effects indicate that nature on the smallest level blurs the distinction between fields and particles, but no one suggests that virtual particles are their own cause, or that they come into existence from nothing whatsoever.

Current orthodoxy in the sciences—and in intellectual life generally—holds that the universe is nothing more (or less) than a collection of material objects. However "material objects" may ultimately be defined—are quantum states *material*; are Hilbert spaces *objects*?—it is surely reasonable to ask for an account of their origin. And this demand has nothing directly to do with their complexity. A universe filled with objects no more complicated than Britney Spears or Stanley Fish would also require an explanation. Nor is there anything out of the ordinary in the idea that mathematical physics should provide an account of the emergence as well as the organization of matter. "The origin of the matter in the universe," remarks the contemporary cosmologist Alan Guth, "is no longer thought to be beyond the range of science."

Indeed, I cannot imagine why Mr. Rapport is persuaded that physics is *not* the study of causes, or even first causes. Causal connections are the physicist's stock in trade. A baseball strikes a bat. Thereafter it accelerates toward the bleachers. Newton's laws of motion provide the requisite explanation: force has been applied and the result is acceleration. Cause—the applied force; effect—the zooming baseball. The inference is so commonly made *within* a world of material objects that it is very hard to see why it should not be applied *to* a world of material objects.

True, there is one big difference. Cause and effect are connections achieved between material objects; if the point at issue is the *emergence* of material objects, then there are no material objects to act as causes. Two solutions, broadly conceived, commend themselves. The first is to accept the existence of material objects as an axiom—something given and so something unexplained. The second is to enlarge the concept of causality so that things that are not material can give rise to things that are.

The first solution, although logically impeccable, is emotionally unsatisfying; the second is the other way around. This is because it replaces a mystery by a miracle, as when the laws of physics are assigned a causative role in the grand scheme of things. I discussed just such a notion in my essay.

On the largest scale, Mr. Rapport suggests, perhaps things *do* just pop into existence. We must resist the "tendency to label and define." I demur: a little more labeling and defining would do the world much good. Labeling and defining are coextensive with thinking and thinking clearly; the same inferential chain that stops with a melodramatic thud when something is said to arise from nothing *within* well-understood systems comes to the same bad end when applied to the universe as a whole. It is for this reason that physicists invest all that nothingness with some remarkably well-defined physical properties.

As for myself, I do not even share Mr. Rapport's conviction that we understand more familiar miracles: how, for example, an imaginative world arises from a series of flickering images on a movie screen, or from a series of letters on the printed page. Familiar miracles these may be, but from the point of view of mathematical physics—our only serious science—miracles nonetheless.

Finally, I do not know what important distinctions I am supposed to have blurred, or why the blurring of those distinctions is a tactic of the religious Right. I have nothing against the religious Right, and nothing against the agnostic Left; my observations are ecumenical.

In reply to Louis S. Lyons, I do not think, nor did I write, that "cosmologists are on the wrong track." Cosmology is a rich speculative science, and whether particular cosmologists have gone wrong depends entirely on what track they happen to be following. Nor do I charge cosmologists with believing that the "universe came from nothing." What I contend is that cosmologists often affirm that the universe arose from nothing whatsoever while at the same time smuggling a good deal of something into all that nothing.

Do I, "without ever stating as much," seem to be invoking the idea of intelligent design, as Mr. Lyons suspects? If I thought that intelligent design, or any artful contrivance like it, explained anything in any depth, I would leap to the cannon's mouth and say so. I do not and I did not.

The argument from design proceeds along a natural path. Complicated human artifacts—a watch, a thimble, a nuclear reactor—make their appearance on the scene as the result of some form of agency. In explaining the existence of a watch, we appeal to forethought, intention, and the translation of these mental acts into a world of matter.

There is nothing wrong with this—as an inference. We make such inferences all the time, and we rely on them as well. The watch *does* have a watchmaker; the nuclear reactor, a design team; those long-awaited signals from outer space, an author or authors. The trouble is that these inferences explain very little. The design inference makes sense only on the assumption that we quite understand what it is for human beings (or animals) to frame intentions, conceive of certain ends, and then act to bring them about. We do not. No analysis of these activities ever goes beyond the activities themselves. We explain our intentions by invoking our intentions; we understand our passions by reference to our passions.

The world in which we find ourselves is closed, and we cannot withdraw from it. From the point of view of the sciences, the process by which an intelligent agent shapes a sheet of tin in order to make a spoon is simply a mystery, one that we overlook simply because the mystery is so common. We do not even understand intelligent design when we ourselves have the intelligence and do the designing. I am not for a moment disputing what seems to me

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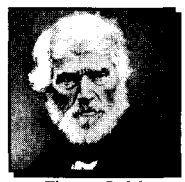
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DANIEL ROBINSON is a distinguished Research Professor of Psychology at Georgetown University since 1971. Since 1990, Professor Robinson has lectured in Philosophy at Oxford University, where he is a Faculty Fellow at Linacre College. He is past president of two divisions of the *American Psychological Association: The Division of History of Psychology* and the *Division of Theoretical and Philosophical Psychology.* He is editor of the *Journal of Theoretical and Philosophical Psychology.*

He is author or editor of more than 40 books, including *Wild Beasts & Idle Humours: The Insanity Defense from Antiquity to the Present* (Harvard 1996), *An Intellectual History of Psychology* (3rd edition, Wisconsin, 1995), *The Mind: An Oxford Reader* (Oxford, 1998) *and Aristotle's Psychology* (Columbia, 1989).

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obvious: that living systems are shot through with traces of intelligence. I scruple only at the conclusion that this observation functions as a satisfying explanation.

Mr. Lyons reminds us that scientific mysteries do get solved, and of course I agree. It would be foolish to insist otherwise. But I would draw a distinction between problems that are simply difficult or vexing and problems that are, currently, unfathomable.

An example may help. Turbulence is a difficult problem in Newtonian physics. None of the currently available solutions seems entirely free of difficulties. Nonetheless, the problem of turbulence, while insoluble in the plain sense that it lacks a solution, is hardly unfathomable. We are quite able to imagine what a solution would be like. We simply do not have one.

Unfathomable problems are different. They leave us baffled in almost every respect. We do not understand how a world comes into being, whether in ordinary life (as when we read), or in biology (as when a new organism comes into existence), or in cosmology (as when what is on view is the drama of creation itself). The facts are clear enough. It is the solutions that are baffling. We cannot imagine their ultimate shape. We haven't a clue.

In writing my essay, my aim was hardly to argue that scientific progress has now come to a halt but rather to show how, given the unfathomable nature of certain problems, the concept of information has come to enjoy essentially a magical role. This concept does no work; it offers little by way of intellectual relief.

Matthew Johnson asks whether I believe in the existence of cells. Sure. DNA, too. But as for "current theories about the behavior of cells and DNA," just which theories does Mr. Johnson have in mind, and where might they be found? Quantum electrodynamics—now, that's a theory. First- and second-order linear differential equations—a theory can be found there, too. But what theory is at work in molecular biology? The closest is quantum mechanics, which offers a very partial and incomplete explanation for the nature of the chemical bond. But what we really find in molecular biology is a brilliant and successful application of ordinary chemistry to living systems—an application, note, in which matters of fact predominate and theories are conspicuous by their absence.

What about Darwin's theory of evolution, which Mr. Johnson accuses me of dismissing as so much "rubbish"? Although I regard that contraption as the last of the great 19th-century mystery religions, the word "rubbish" would never pass my lips, if only because it is not generous enough to encompass the gorgeousness of the current Darwinian display, in which both rape and altruism are successfully explained as tactics of survival.

But something deeper is plainly at work in the disagreements between Mr. Johnson and me. The scientific community regards itself as a uniquely self-aware collective, one whose members are prepared, even eager, to subject their most cherished assumptions to a veritable firestorm of critical analysis. Yet the same community warms to the view that general criticisms made of various scientific disciplines, especially when they are severe, are not, in Mr. Johnson's words, "very helpful." Not helpful, as in not needed; not needed, as in not wanted. There is plainly a fissure here between two self-conceptions, the one open and confident, the other narrow and defensive. To put it another way: in science, as in politics, large and general principles are often upheld precisely to the extent that they are not believed in.

I would say to George Jochnowitz that no, I haven't changed my mind, but evidently I failed to make myself entirely clear. The sentences that Mr. Jochnowitz quotes from "The Deniable Darwin" make two points. The first is that religious doctrine has always assigned creation to some form of agency, and the second is that this and other such doctrines arise from very natural, unforced sentiments, or from "experience."

In the case of the biological world, these same sentiments have historically taken the form of arguments from design—arguments that move *from* the complexity of living systems *to* the intervention of some designer, an intelligence that is either supernatural, as in the Bible, or simply alien, as in Francis Crick's theory of directed panspermia. Darwinism breaks the grip of this ancient inferential impulse—which is why Richard Dawkins, in *The Blind Watchmaker*, says that Darwin's theory is profoundly liberating.

To which I would respond: it is profoundly liberating *if true*. I am as willing as the next man to be liberated; I am simply not persuaded that Darwin's theory is true. Or even plausible. I remain where, I suspect, most of us find ourselves. I regard Darwin's theories *and* various theories of design as inadequate; I have no replacement for either.

I would add only (to revert to the subject of my recent COMMENTARY essay) that the use of information in contemporary biology is simply another mirror to the biblical account, a matter of displacing the fog from a Designer onto a magical concept. This may well be the best that we can do, but that is a question for the future.

In answer to Alfred R. Matthews, I chose my rhetoric to evoke precisely the allusion Mr. Matthews cites, but I can no more place my confidence in John 1: 1-3 than in information. The words are suggestive; they are moving; and they have haunted the Western intellectual tradition. For all I know they may express the plain, literal truth. But for all I know, they may not.

Need I say that I am in complete agreement with Eric Julber? It is quite true that an appeal to the divine is no longer in fashion. The decline of religious faith is a complex and disturbing topic, but the facts are what they are: sophisticated men and women rejoice in their atheism, prepared to believe in nothing and simultaneously prepared to believe in anything. Those who concur with Richard Dawkins that Darwin has made atheism intellectually respectable have often demonstrated a degree of credulity that

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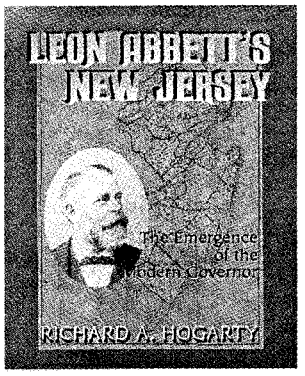

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would embarrass a seminarian. How else might one explain currently fashionable doctrines of evolutionary psychology, a field so richly preposterous that, in reading its literature, only a man born with a petrified diaphragm, to quote H.L Mencken, could fail to laugh out loud?

I agree with much that Evelyn Fox Keller writes; indeed, I would go further. The information resident in DNA is clearly not sufficient to bring an organism into existence, if the DNA is considered as a molecule in isolation. But then again, the information in a cookbook is not sufficient to bring a soufflé into being, either. The words must be read and understood; but any attempt to *specify* that understanding quickly empties out in a virtually infinite regress.

We accept the regress in daily life because it reflects a familiar human world. But what of the cell? The information resident in DNA is not sufficient to account for the construction of an organism. It is not sufficient because information is *never* sufficient for such purposes; no language explains itself. As far as we now know, the informational macromolecules are the only entities within the cell capable of conveying information; but it would not help us to discover other sources of information, since that information would have to be interpreted as well. As so very often happens in the sciences, an entirely secondary concept—information—has been made to play a role that it cannot play.

Something is at work in biological systems that we have not yet properly defined, or even grasped. After all, if the current doctrines were even roughly correct, we should be able to write a recipe, place it on a table, and then observe with satisfaction how the recipe, quite by itself, makes a cake. We cannot do this, and we have no idea how it might be done.

It is true that the information in DNA is used in the context of a physical structure—the cell itself—and that DNA does not pass naked from one generation to another. But this only deepens the mystery: if the cell is needed to interpret its own DNA, whence the information needed for the interpretation? If no information is needed, why is the information in the DNA even relevant?

I suspect that when we come to understand biological systems, the entire conceptual superstructure to which we now appeal—information, organization, self-regulation, and the like—will disappear. We will see the cell entirely in terms of—but that is just what I do not know.

Refugees

TO THE EDITOR:

In his article "The Palestinians and the 'Right of Return'" [May], Efraim Karsh writes that "neither Arab propagandists nor Israeli 'new historians' have ever produced any evidence of a Zionist master plan to expel the Palestinians during the 1948 war. For such a plan never existed."

Perhaps Mr. Karsh can explain these comments, taken right from the horse's mouth—that is, from David Ben-Gurion:

- "We must expel Arabs and take their places." (Quoted in *Ben-Gurion and the Palestinian Arabs* by Shabtai Teveth, Oxford University Press, 1985)
- "We walked outside, Ben-Gurion accompanying us. [Yigal] Allon repeated his question, 'What is to be done with the Palestinian population?' Ben-Gurion waved his hand in a gesture which said 'Drive them out!'" (Yitzhak Rabin, leaked uncensored version of his memoirs, *New York Times*, October 23, 1979)
- "We must do everything to ensure [the Palestinian refugees] never do return." (Ben-Gurion, in his diary, July 18, 1948, quoted in Michael Bar Zohar's *Ben-Gurion: the Armed Prophet*, Prentice Hall, 1967)

Considering that Mr. Karsh is well-known for accusing Israel's new historians of "fabricating history"—while side-stepping their lengthy quotations from damning official Israeli documents—it is no surprise he came up with this chestnut.

NIGEL PARRY
St. Paul, Minnesota

TO THE EDITOR:

Contrary to Efraim Karsh, there are a number of UN resolutions that specifically use the words "right of return." For example, Resolution 33/28, dated December 7, 1978, says in part:

> A just and lasting peace in the Middle East cannot be established without the achievement, inter alia, of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people, including the right of return and the right to national independence and sovereignty in Palestine.

Mr. Karsh makes many good points, but it is not fair to leave out simple, easily obtainable material like this.

The real arguments against the Palestinian definition of the right of return are that this right would require the satisfaction of one group of refugees by the creation of a new group of refugees and the destruction of the state of Israel. But this idea clearly contradicts the spirit and meaning of Resolution 194 and all subsequent United Nations affirmations, which are not about erasing the establishment of Israel but about creating peace through the satisfactory settlement of refugees.

In essence, the Palestinians do have a recognized "right of return"—that is, a right to settlement in a Palestinian state, compensation for land lost in 1948, and some settlement within Israel. These meet the essential goals of the UN, which are to turn refugees into permanent citizens and help create regional peace. But the Palestinians have perverted this humane concept into little more than a cry for vengeance to undo the results of the 1948 war. No UN resolution intends this.

JONATHAN KURTZMAN
Brookline, Massachusetts

TO THE EDITOR:

Efraim Karsh's superb article is a welcome response to the Arab campaign for a

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Palestinian "right of return." The notion that millions of Palestinians should be permitted to pour into Israel is so preposterous that many well-meaning people seem to find it hard to take it seriously. Meanwhile, however, it has been gaining sympathy around the world, as exemplified by recent statements from organizations like the World Alliance of YMCA's, the National Council of Churches of Christ, Human Rights Watch, Amnesty International, and the American Green party.

In March, a survey sponsored by several national Jewish organizations found that while Americans view Israel much more favorably than they do the Palestinian Authority, attitudes about the right of return were less encouraging. Asked if Palestinian refugees should have "the right to return to their villages in Israel, [which could] mean the end of the Jewish state," 33 percent of the public agreed and 22 percent said they did not know. Only 45 percent took the position that refugees should move to a "Palestinian state that will be created in the West Bank and Gaza." Supporters of Israel need to take seriously the fact that a majority of respondents failed to reject out of hand a plan that could spell the destruction of the Jewish state.

Of course, Israel is not interested in committing national suicide. Still, allowing the Jewish state to be portrayed as rejecting the rights of a suffering people has hurt its position in the international community. The fact is that the responsibility for the plight of the Arab refugees has always lain with Arab leaders, as Mr. Karsh's article plainly demonstrates. That message should be broadcast widely and often.

LEONARD A. COLE
Chairman
Jewish Council for Public Affairs
New York City

EFRAIM KARSH writes:

One of the more confounding aspects of the Arab-Israeli conflict is its total impermeability to the fundamental rule of cause-and-effect. Ever reluctant to take responsibility for their own actions, Arab regimes and societies have consistently cast themselves in the role of hapless victims, putting the blame for their own numerous failures on third parties, whether the West or non-Arab actors like Turks and Jews.

With the passage of time and the fading of first-hand collective memory, the line between fact and fiction has become increasingly blurred, even in the minds of those who once knew better. The sustained effort by Palestinian (and Arab) leaders, from Hajj Amin al-Husseini to Yasir Arafat, to abort the Jewish national revival and to expel the largest possible number of Jews from their ancestral homeland has been largely eclipsed. Instead, *Israel* has been charged with harboring a longstanding grand design to dispossess the Palestinian Arabs from *their* land. It matters little that neither Arab propagandists nor their Israeli and Western sympathizers have ever produced any evidence of such a design. Through a tendentious use of documentary evidence, including carefully culled misquotations from Zionist leaders, a picture has been painted that grotesquely falsifies Jewish aspirations and policies.

Nigel Parry seems to have been sufficiently convinced by this propaganda to repeat some of its standard claims. But the handful of second-hand citations he provides only serve to negate those claims. Consider his first "comment" by David Ben-Gurion: "we must expel Arabs and take their place." In fact, Ben-Gurion's original letter, which can be found in the Israeli archives, says precisely the opposite: "We do not wish and do not need to expel Arabs and take their place." Moreover, the full paragraph in Shabtai Teveth's book, from which Mr. Parry chooses to quote a single truncated sentence, clearly states that Ben-Gurion "did not wish to do so [i.e., expel the Palestinians], for 'all our aspiration is built on the assumption—proven throughout all our activity—that there is enough room for ourselves and the Arabs in Palestine.'"

In this particular distortion of Ben-Gurion's (and Teveth's) words, Mr. Parry takes his cue from the Israeli "new historian" Benny Morris. In his Hebrew-language writings, Morris has cited Ben-Gurion correctly. But in the English-language version of his book, *The Birth of the Palestinian Refugee Problem* (1987), Morris himself presents Ben-Gurion as saying the opposite. Could it be because he knew his audience would not be able to check for itself the wording of the original Hebrew letter?

Nor does Yitzhak Rabin's recollection of the battle for Lydda (Lod) in July 1948 indicate any master plan for mass expulsion. As I noted in my article, the expulsion of the town's residents occurred not in the framework of a premeditated plan but rather in the heat of battle—as a result of a string of unexpected developments on the ground. The action, as I wrote, was "in no way foreseen in military plans for the capture of the town." Nor was it discussed during the pre-operation briefings. Nor did the initial occupation of the town suggest any intent to expel Arab inhabitants. It was only when their forces encountered stiffer resistance than expected that the local Israeli commanders decided to "encourage" the population's departure to Arab-controlled areas a few miles to the east. The purpose was twofold: to avoid leaving a hostile armed base at the rear of the advancing Israeli Defense Forces and, by clogging the main roads, to forestall a possible counterattack by Transjordan's highly effective Arab Legion.

Even on the assumption that Ben-Gurion did meaningfully wave his hand as he was taking his leave from a meeting with local commanders, as Rabin recalled some 30 years later, his alleged gesture could have signified many things other than an intention to "drive them out." This can be inferred not only from the admission of Rabin's commander, Yigal Allon, that he himself had already given orders "to help the Lydda inhabitants leave" prior to Ben-Gurion's arrival, but also from the entry in Ben-Gurion's war diary to which Mr. Parry refers. Contrary to Mr. Parry's claim, there is no trace in this entry, made less than a week after the battle for Lydda, of any assertion

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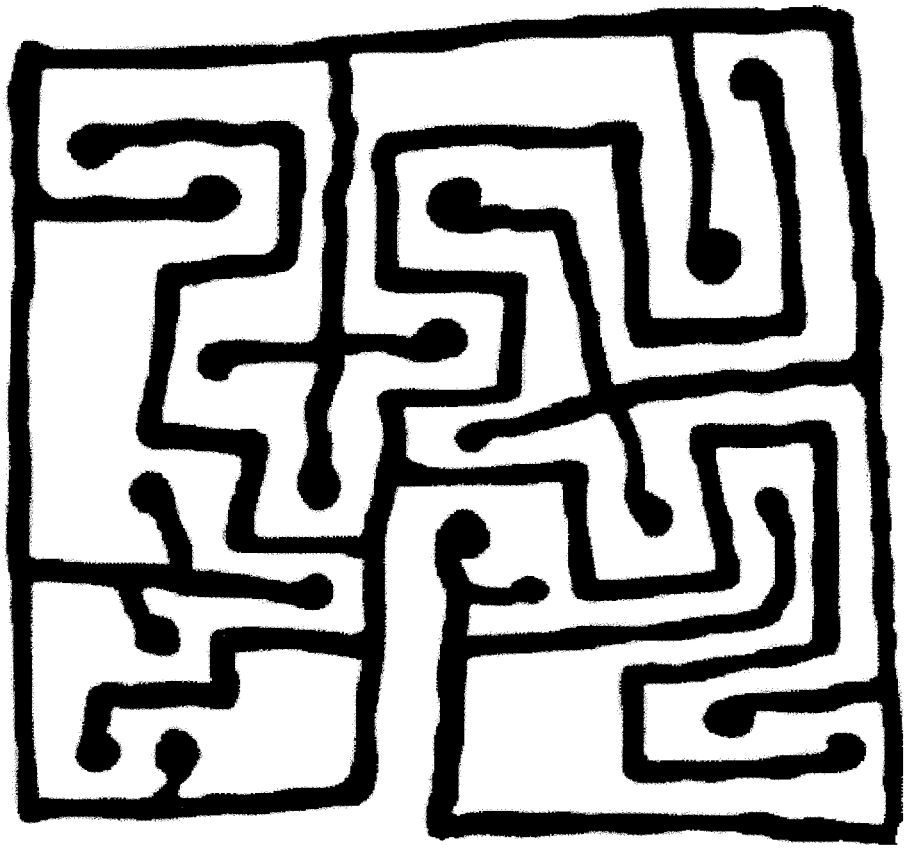

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to the effect that "we must do everything to ensure [the Palestinian refugees] never do return." What the entry does contain are the following lines on the occupation of Nazareth, which suggest something entirely different:

> Yesterday Moshe Carmel gave an order to uproot the Nazareth population. The commander of the brigade hesitated. Upon receiving a query on the matter I immediately cabled that the population should not be removed.

So much for Ben-Gurion's grand dispossessionary designs.

Jonathan Kurtzman raises the issue of the legal basis of the Palestinian "right of return." I did not contend that this "right" has never been mentioned in UN resolutions. Rather, I argued that it has no basis whatsoever in General Assembly Resolution 194, or indeed in international law, and that the increasing invocation of this "right" since the late 1960's reflects a spurious reading of the letter and spirit of Resolution 194 by the Arabs and their Soviet and third-world allies.

Mr. Kurtzman's suggestion that the refugees should be free to return to a newly established Palestinian state is sensible enough; not so, his proposal of compensation and partial repatriation to Israel. Arab propaganda has succeeded in transforming failed aggressors into hapless victims. The truth is that in 1948 the Palestinians and the Arabs attempted to "cleanse" a neighboring ethnic community. Their failure to achieve this goal does not make them any more deserving of compensation than were the millions of Germans who became refugees as a result of the Nazi war of aggression.

In any case, Mr. Kurtzman's formula is totally unacceptable to Palestinian and Arab leaders. They have not perpetuated the refugee problem for so long only to accept something they could have received decades ago. They have done so with a view to weakening, and eventually destroying, the Jewish state. As Israelis have learned to their horror following the collapse of the Barak government's peace efforts, the Arabs are not, in the foreseeable future, going to relinquish their most efficient anti-Israel weapon.

And why should they? As is aptly noted by Leonard A. Cole, support for the "right of return" in the West far exceeds support for the Palestinian cause as a whole. Substantial audiences that are not instinctively hostile to Israel, or that may even sympathize with its cause, have been convinced by decades of sustained Arab propaganda that the refugee problem is essentially a humanitarian issue rather than an instrument of warfare whose purpose is the destruction of the Jewish state. It is this purpose that must be exposed, understood, and resisted.

Bitter Medicine

TO THE EDITOR:

As a primary-care physician of 30 years who has recently retired, I read with some interest Ronald W. Dworkin's insightful article, "Why Doctors Are Down" [May]. I am puzzled, though, as to why he exonerates the government of playing a role in creating the situation he describes.

Until 1965, the doctor-patient relationship was a consensual contract, with services agreed upon by both parties and paid for by the patient. With the advent of Medicare, all this changed. The patient no longer based decisions for care on dollars taken from his pocket, and the physician discovered that the income he received for the patient's visit came with a growing list of restrictions on his freedom as a practitioner.

Medicare now requires an entire government agency for its administration. Its complicated regulations and mandates often compel doctors to take on additional staff, sharply increasing the overhead expenses of small medical practices. I am thus at a loss to understand Dr. Dworkin's claim that the government has somehow "guaranteed doctors their autonomy."

A ray of hope for the future is the burgeoning interest in medical savings accounts, which would, among other things, place the responsibility for the expenditure of healthcare dollars back in the hands of those receiving the services.

GARY D. GILLESPIE, M.D.
Williamston, Michigan

TO THE EDITOR:

Adding to the picture described by Ronald W. Dworkin, I would suggest that another reason doctors are "down" is that they must walk on eggshells: any adverse medical outcome can lead to litigation, and anything less than perfection is punishable. Knowing that their decisions may be investigated, they protect themselves through over-treatment and a maelstrom of referrals.

Dealing with the medical bureaucracy has also become a nightmare. Errors in billing and violations of the new "privacy" laws have left many practitioners open to prosecution, with the possibility of severe fines and even imprisonment.

Surveys indicate that approximately one half of active physicians would like to leave clinical practice in the next five years. There is no mystery in this.

CLIVE SINOFF, M.D.
Beachwood, Ohio

TO THE EDITOR:

Ronald W. Dworkin omits one important factor in the depersonalization of doctor-patient relations over the last few decades: the growth in malpractice lawsuits filed by disappointed patients. The commensurate rise in the cost of insurance has driven many doctors into group practices and managed-care facilities, which pay the higher premiums but also set rules governing treatment. In these settings, doctors are pressured by insurance lawyers to say as little as possible to patients during treatment, thus adding to the feeling that the field has become, in Dr. Dworkin's apt phrase, an exercise in "body engineering."

FREDERIC WILE
New York City

TO THE EDITOR:

I have been practicing medicine for 50 years now, and the complaints described so incisively by Ronald W. Dworkin are similar to those I have heard.

One subtle factor that has further undermined the position of physicians is the amount of medical infor-

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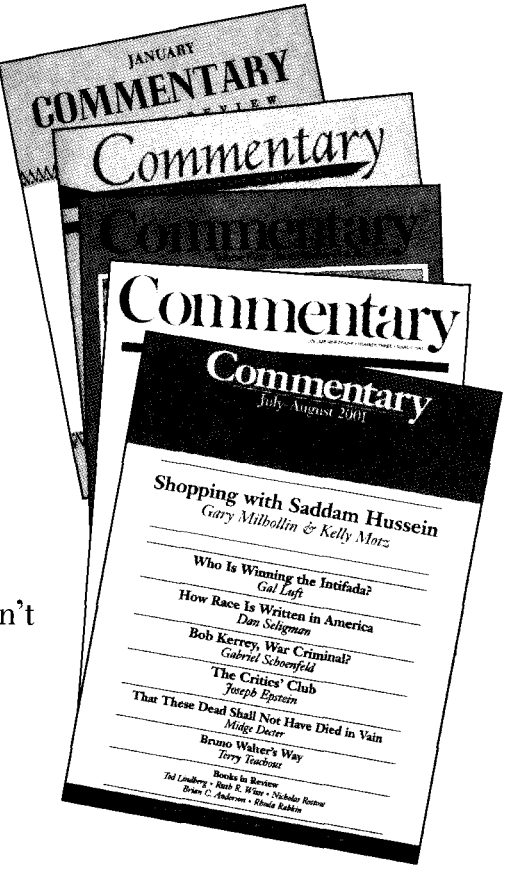

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mation that is now available to the general public. Patients come to my office daily with materials ranging from a brief news article to an exhaustive Internet printout, and then offer me advice on diagnosis and treatment. They confuse information with knowledge.

JONAS BRACHFELD, M.D.
Moorestown, New Jersey

RONALD W. DWORKIN writes:

Unlike Gary D. Gillespie, I do not believe that government, in the form of Medicare, represents as great a threat to physician autonomy as managed care. Medicare may be a heavily discounted fee-for-service program, but it keeps some distance from medicine itself, allowing doctors to practice as independent professionals though at much lower rates of reimbursement. Managed care, on the other hand, insinuates itself into the heart of the medical profession, and threatens physician autonomy by getting doctors to think of themselves as "organization men" who work for higher-ups. It is managed care, not government, that employs medical directors to micromanage doctors' decisions, that lumps doctors, nurses, and technicians under the general category of "provider," that promotes flex time and shift work, and that accustoms doctors to the idea of advertising. Government only threatens doctors' incomes; managed care forces them to change their very mindset.

Clive Sinoff and Frederic Wile are correct to note how troublesome the practice of defensive medicine is for doctors. But I do not believe that the cost of malpractice insurance was an important factor in the rise of managed care. As it happens, malpractice premiums stabilized during the early 1990's (in my own specialty of anesthesiology, they even began to drop). Doctors were compelled to join managed care not in order to get their insurance premiums paid but because managed care had the patients. As business turned to managed care to control rising costs, doctors had to join to stay in practice.

Like Jonas Brachfeld, I, too, have dealt with patients armed with just enough medical information to be dangerous to themselves. If being the sole interpreters of a complex art once enabled doctors to perpetuate the mystique surrounding the medical profession, the democratization of information has assuredly contributed to a decline in this mystique, and hence in the professional ideal itself. That ideal now finds itself under the twin threat of capitalism (in the form of managed care) and democracy—another reminder of the historical origins of the medical profession in premodern ideas of service.

Affirmative Action

TO THE EDITOR:

Jason L. Riley's good article, "The 'Diversity' Defense" [April], is incorrect in stating that in the *Bakke* case (1978) four Justices of the Supreme Court ruled that the race-preference program at the medical school of the University of California at Davis was unconstitutional. What they ruled was that the program clearly violated Title VI of the 1964 Civil Rights Act, which prohibits racial discrimination by institutions, like the medical school, that receive federal funds. There was therefore no need or occasion to reach the question of whether the program was also unconstitutional.

This is important because although the constitutional question might be considered debatable, the 1964 Civil Rights Act's prohibition of racial discrimination could not be more plain. The refusal of Lewis Powell and the other four Justices to abide by the statute was an act of judicial bad faith inconsistent with the requirement of "good

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behavior" that is a condition of tenure on the Court—a clear example of the belief that a good enough end justifies any means.

Further, Powell's opinion was much worse than "indecisive," to use Mr. Riley's term. It was self-contradictory, a foolish attempt by a "moderate" to wish the problem away by answering it both ways. Powell insisted, on the one hand, that the plaintiff, Alan Bakke, had the right to be considered for admission to the school "without regard to his race," and, on the other hand, that it was permissible for the school to give preference to non-whites. This sort of reasoning has been typical not only of Powell but of the other good lawyers on the Supreme Court who decide the most basic issues of social policy for the nation as a whole.

LINO A. GRAGLIA
University of Texas School of Law
Austin, Texas

TO THE EDITOR:

In his excellent article, Jason L. Riley may be too generous toward his targets. The "diversity" cult insists that racial diversity implies diversity of ideas and opinions, and so benefits all students on campus. But if this is the purported justification, why not demand that at least 20 percent of the members of every academic department at every university be neither leftists nor liberals, or that conservatives be represented on the faculty in numbers similar to their proportion in the population at large? In fact, many of those demanding quotas to establish diversity sit in ideologically monolithic university departments.

Where is the evidence that race is associated with original ideas about chemistry or accounting or medicine? And besides, why is every diversity program designed to grant preferences to blacks and Hispanics? Why not demand greater numbers of students or faculty members who are Armenians, Hungarians, Finns, or Basques?

STEVEN PLAUT
Haifa, Israel

TO THE EDITOR:

Jason L. Riley notes that blacks and whites often do not take the same classes at our universities, a fact that should engender doubts about how much actual diversity there is in the classrooms of mixed-race schools. I have observed that the two races generally eat, socialize, and sleep apart as well. This is at the insistence of the black students, whose presence somehow is supposed to bring new perspective to the whites they shun.

RICHARD H. SHULMAN
New York City

TO THE EDITOR:

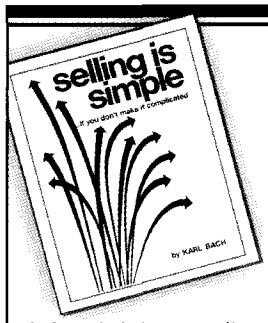
Heartiest congratulations on "The 'Diversity' Defense." One can only hope that the judges on the appeals court read this piece before issuing an opinion.

JAY BERGMAN
Central Connecticut State University
New Britain, Connecticut

JASON L. RILEY writes:

Lino A. Graglia is correct, of course, about the grounds on which four Supreme Court justices in *Bakke* rejected the admissions policy of the University of California's medical school. As Mr. Graglia notes, the program so plainly violated the 1964 Civil Rights Act that there was no need to address its constitutionality. Still, one wishes they had done so. As Steven Plaut's amusing reductio ad absurdum illustrates, it is past time for the Court to clarify the matter.

Richard H. Shulman's observation that "the two races generally eat, socialize, and sleep apart . . . at the insistence of black stu-



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dents" is too glib. To begin with, such self-segregating group behavior is hardly unusual, or limited to blacks, as a visit to the Brighton Beach section of Brooklyn, where 40,000 Russian immigrants congregate, will readily confirm.

But Mr. Shulman's history also fails him. From slavery's demise to Reconstruction to Jim Crow, it was whites who insisted on separation, and black compliance was the only option. Nor was there anything "general" about it: under the umbrella of the Supreme Court's *Plessy* v. *Ferguson* decision, the highly specific precepts of segregation called for separate schools, separate bathrooms, separate restaurants and water fountains and swimming pools, and so on.

True, these restrictions were officially repealed in the 1950's and 60's, and the Supreme Court finally struck down miscegenation laws in 1967. But at least in some quarters of our society, old attitudes linger. Just this past July, a *Washington Post*/Kaiser Family Foundation/Harvard University national poll reported that 46 percent of white Americans believe people should marry within their race, while only 21 percent of blacks share this view. When whites were asked, "How would you feel if someone in your family married a black?," 55 percent said they would approve. When blacks were asked the same question with regard to whites, 86 percent said they would approve. Such figures do not suggest that it is blacks who are resisting integration.

Certainly, black separatism exists, and is as deserving or undeserving of fair comment as its counterpart among other races and ethnic groups, past and present. And yes, given a choice, many black students do choose to "eat, socialize, and sleep" with other blacks. But frankly, unless their college has a policy to the contrary, that is their business.

Catholics and Jews

TO THE EDITOR:

I leave historical refutations to the professional historians, but I question COMMENTARY's providing a forum for the sweeping attack on Catholicism mounted by Robert S. Wistrich in his review of James Carroll's *Constantine's Sword: The Church and the Jews* [Books in Review, April]. I refer to Mr. Wistrich's provocative, over-the-top rhetoric, like his observation about "the primary role played by the Catholic clergy in fin-de-siècle French anti-Semitism and the Dreyfus affair—a kind of dress-rehearsal for fascism and Nazism." And then there is his assertion that "Nazi anti-Semitism could never have aroused the response it did had it not been planted in groundwater poisoned by Christian theology."

Poisoned groundwater? Will Mr. Wistrich next be telling us that Christianity is—to borrow a phrase from Louis Farrakhan—a "gutter religion"? It is dismaying to find such simplistic Catholic-bashing in COMMENTARY, which is ever-vigilant in rejecting outrageous attempts to demonize Jews.

In the course of his review, Mr. Wistrich does manage to reveal the true purpose of Carroll's diatribe by noting that "satisfying some of [Carroll's] theological demands would involve not a reformation of the Church but its virtual dissolution." Indeed, as other reviewers have suggested, Carroll's aim is to justify the efforts of "progressive" Catholics like himself to control the future of the Church. In this fight, the biggest stick available against traditional Catholics is the Church's position toward the Jews, especially during the Holocaust.

Mr. Wistrich has the professionalism to note that Carroll has no credentials as a historian, is "dismissive of clashing or more cautious interpretations," and is guilty of "some serious omissions and flaws." But he understates the matter. Carroll's approach is that of a trial lawyer, setting forth all the evidence that is favorable to his case and, when compelled to acknowledge unfavorable evidence, presenting it in the most critical light.

Why, then, would Mr. Wistrich declare, as if with booksellers' blurbs in mind, that *Constantine's Sword* "adds an important dimension to the debate," "achieves often moving effects," and "is marked by a basic integrity and honesty"? Perhaps because he, too, is acting like a trial lawyer.

THOMAS M. COMERFORD
Dallas, Texas

TO THE EDITOR:

I was dismayed by Robert S. Wistrich's review of *Constantine's Sword*. In the penultimate paragraph, he admits that "satisfying some of [James Carroll's] theological demands would involve not a reformation of the Church but its virtual dissolution." Indeed, even a superficial reading of recent attacks by some Catholics on the Church, particularly the popes of the 20th century, makes clear that their underlying agenda is precisely this dissolution.

In my opinion, nothing could do more damage to Jewish-Catholic relations than for our Jewish partners to take part in the culture war now raging within Roman Catholicism. My own involvement in such ecumenical discussions, both intra-Christian and with Jews, has made evident to me that they can take place under two different rubrics.

There is, in the first place, what I call the ecumenism of accommodation, whose (often implicit) presupposition is that each side speaks for a tradition that it wants to move *away from*, toward a more enlightened, *bien-pensant* view. The second is what I call the ecumenism of conviction, which frankly admits that ideas about religious truth are precisely what is *not* up for grabs.

Robert Wistrich's praise of *Constantine's Sword* has given us a new category in this taxonomy. If I read him correctly, he seems to be recommending an ecumenism of capitulation.

EDWARD T. OAKES, S.J.
Denver, Colorado

ROBERT WISTRICH writes:

Many historians, long before James Carroll, have pointed to the virulence of the Catholic anti-Semitic campaign in fin-de-siècle France (and elsewhere), with its plethora of conspiracy theories that were later picked up by the Nazis in Germany. Far from this being "provocative, over-the-top rhetoric" on my part, it has been firmly established in historical schol-

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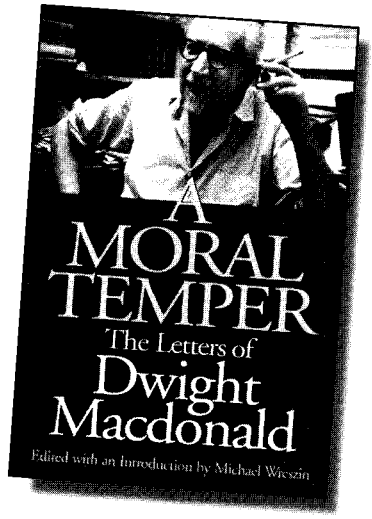
MICHAEL WRESZIN, EDITOR

A Moral Temper

The Letters of Dwight Macdonald



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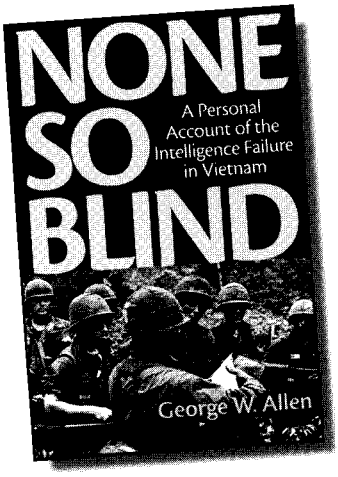

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DAVID REYNOLDS

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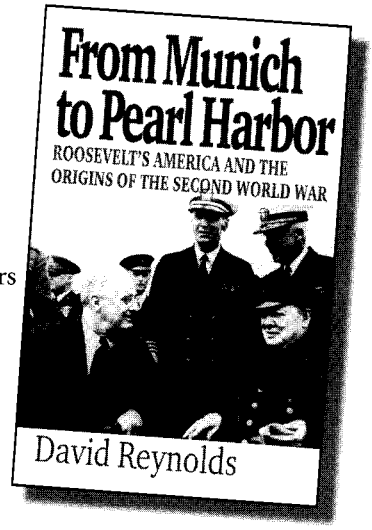

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arship of which Thomas M. Comerford is evidently all too ignorant.

Similarly well-founded is Carroll's proposition that Nazi anti-Semitism was "planted in groundwater poisoned by Christian theology"—a metaphor I borrowed from him. Many prominent Catholic scholars, including Friedrich Heer and Father Edward Flannery, have provided chapter and verse for this and related assertions. To dismiss all this as mere "Catholic-bashing" is not only crude but foolish.

Edward T. Oakes charges me with advocating "an ecumenism of capitulation" and reproves me for intruding on internal Catholic culture wars. None of this is applicable. In my review I could hardly avoid referring to a central thrust of *Constantine's Sword*—namely, the call for a radical reformation of the Roman Catholic Church and its Christological understandings, especially with regard to the Jews. While I think the latter objective is necessary and desirable, what Catholics in general choose to believe is a matter on which I expressed no position, it being entirely their affair. Without accepting every one of Carroll's specific contentions, I praised his honesty in facing painful truths about the Church's relations with the Jews. Surely anyone genuinely concerned with Jewish-Christian dialogue should welcome serious moral reckoning of this kind on either side, rather than seeing it as a cause for dismay or as a sinister plot by "progressives" to seize control of the Catholic Church.

Corrections

In Joseph Epstein's article, "The Critics' Club" (July-August), George Santayana's *The Last Puritan* was mistakenly referred to as *The Last Pilgrim*. In a book review on page 63 of the same issue, the date of the execution of Julius and Ethel Rosenberg was misstated as 1952; the year was 1953. We regret these errors.—ED.

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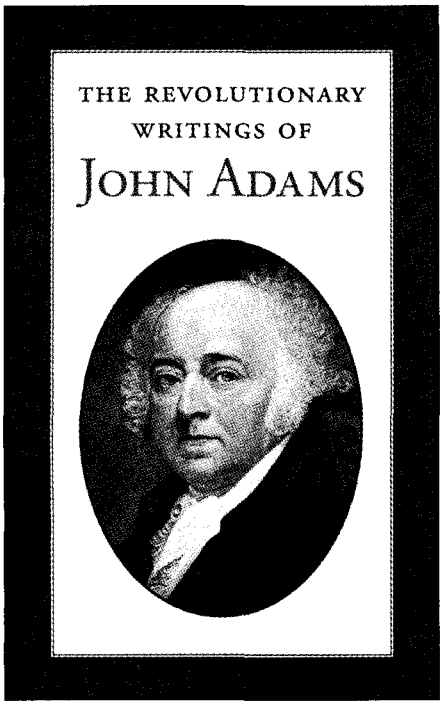

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C. Bradley Thompson is an Associate Professor of History and Political Science at Ashland University, Ashland, Ohio, and the author of *John Adams and the Spirit of Liberty*.

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Commentary
September 2001

The Rebbe, the Jews, and the Messiah

David Berger

In the course of the last seven years, a revolutionary development has quietly overtaken the Jewish religion. Unless it is somehow rolled back, Jews will soon have to confront the fact that one of the key pillars of their faith has been thoroughly undermined, and even the most elementary primer on the differences between Judaism and Christianity will have to be rewritten. The matter at issue is what Jews believe about the messiah.

Faith in the coming of a redeemer is a basic component of traditional Judaism, and a rich literature records wide-ranging speculation about the end of days. But the essence of Judaism's traditional messianic faith can be compressed into a single sentence: a king will arise from the line of the biblical David who will preside over a peaceful, prosperous, monotheistic world, with the Temple in Jerusalem rebuilt and the Jewish people—including at some point its resurrected dead—returned to its land.

Jewish history is strewn with several dozen identifiable, mostly inconsequential messianic figures whose followings dissipated almost immediately after their deaths. The only two significant exceptions—until recently—were Jesus and the 17th-century messiah Shabbetai Tzevi, whose movements were quickly separated from the mainstream of Judaism.

The reason that messianic movements have not lasted goes to one of Judaism's central convictions about aspiring messiahs: failure is failure. In the definitive judgment of the 12th-century rabbinic authority Moses Maimonides, we may not know all the details of how the messianic scenario will unfold, but the basic conditions are clear:

> If a king arises from the house of David who studies the Torah and pursues the commandments like his ancestor David in accordance with the written and oral law, and he compels all Israel to follow and strengthen it and fights the wars of the Lord—this man enjoys the presumption of being the messiah. If he proceeds successfully, defeats all the nations surrounding him, builds the Temple in its place, and gathers the dispersed of Israel, then he is surely the messiah. But if he does not succeed to this extent, or is killed, it is evident [literally, "known"] that he is not the one whom the Torah promised; he is, rather, like all the complete and righteous kings of Israel who have died. . . . All the events surrounding Jesus of Nazareth and the Ishmaelite [Muhammad] who came after him were for the purpose of straightening the way for the king messiah and preparing the entire world so that all will serve the Lord together, as it is written (Zephaniah 3:8), "For then I will make the peo-

David Berger, *professor of history at Brooklyn College and the Graduate Center, City University of New York, is the author of* The Jewish-Christian Debate in the High Middle Ages. *The present essay is adapted from his new book,* The Rebbe, the Messiah, and the Scandal of Orthodox Indifference, *which will be published next month by the Littman Library of Jewish Civilization.*

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ples pure of speech, so that they all invoke the Lord by name and serve Him with one accord." (*Mishneh Torah*, Laws of Kings 11:4, in the uncensored version)

For Christians, of course, the messiah decidedly *could* die in the midst of his redemptive mission. Indeed, Jewish denial of this proposition became one of the central points of contention in the millennial debate between the two religions. Thus, in the most famous of medieval disputations, the Jewish representative, Moses ben Nahman (Nahmanides), asserted that he could not believe in Jesus' messiahship because the biblical prophecies of universal peace and knowledge of God had gone unfulfilled.

Incredibly, however, over the course of the last seven years, Orthodox Judaism has effectively declared that, with respect to this fundamental issue of principle, Christians were correct all along and Jews profoundly mistaken. I stress "effectively": no one has pronounced these exact words, and the identification of Jesus of Nazareth as the messiah remains anathema. Nevertheless, this conclusion follows from two interlocking considerations.

First, a large segment—almost certainly a substantial majority—of a highly significant Orthodox movement called Lubavitch, or Chabad, Hasidism affirms that the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, who was laid to rest in June 1994, initiated the authentic messianic mission and will soon return to complete the redemption in his capacity as the messiah.

Second—and far more important—Hasidim who proclaim this belief, including some who have ruled that it is a belief required by Jewish law, routinely hold significant religious posts with the sanction of major Orthodox authorities unconnected with their movement. These range from the offices of the Israeli rabbinate to the ranks of mainstream rabbinical organizations to the chairmanship of rabbinical courts in Israel and elsewhere, not to speak of service as scribes, ritual slaughterers, teachers, and administrators of schools and religious organizations receiving support from mainstream Orthodoxy. For much of Orthodox Jewry, then, the classic boundaries of the messianic faith of Israel are no more.

To a historian, the process culminating in this transformation is a gripping drama, the opportunity not of one lifetime but of many; to a believing Jew, it is no less fascinating, not as a datum but as a nightmare. In my twin capacity as a historian and a believing Jew, I have played a role in some of the early chapters of this story, as the following narrative will recount. The final chapter is yet to be written.

II

HASIDISM, ARGUABLY the most vibrant religious movement in the history of modern Jewry, was born in 18th-century Poland with the teachings of Rabbi Israel Baal Shem Tov (Master of the Good Name or, better, Good Master of the Name). Emphasizing the centrality of joy in the service of God, the crucial role of prayer, and the opportunity to cleave to the divine through a *tzaddik*, or rebbe—a charismatic leader seen as a conduit between the heavenly and earthly realms—the Baal Shem Tov and his successors fashioned a message that energized and redirected Jewish piety, ritual, and social institutions.

The stream of Hasidism known as Chabad—an acronym representing the Hebrew words for wisdom, understanding, and knowledge—originated in the career of Rabbi Shneur Zalman, a towering figure in Jewish law and mysticism who injected a strongly intellectual component into a movement marked by pietistic enthusiasm. As a host of factors rendered the hasidic movement in general highly controversial within Judaism, the Chabad group, centered in Lithuania, soon found itself at the vortex of a campaign headed by Rabbi Elijah of Vilna, the greatest talmudist of his and all subsequent generations and the driving force behind a series of bans against nascent Hasidism in the 1770's and thereafter.

With the dawn of the 19th century, Hasidism did more than weather these attacks. As a multitude of rebbes founded dynasties in towns and hamlets throughout the Jewish Pale of Settlement, the movement became the dominant form of Judaism in much of Eastern Europe, the heartland of 19th-century Jewry. Traditionalist opponents did not entirely abandon the field, but their efforts waned as they found themselves allied with Hasidim in resisting a shared enemy: the onrushing forces of skepticism, secularism, and acculturation that were working to erode the very foundations of traditional Jewish society.

The Chabad movement, now also known as Lubavitch from the town where the group's leaders resided from 1813 to 1915, played a significant role in that resistance. This was true in the 19th century, when the rebbes of Chabad worked in tandem with other traditionalist leaders, and it was all the more true in the 20th, when resistance meant a heroic stand, fought for decades in lonely isolation, not against Jewish modernists but against a totalitarian Soviet regime bent on the complete eradication of Jewish observance. Only the hardest of hearts could fail to be moved by accounts of self-sacrifice on the part of Lubavitch Hasidim strug-

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gling to preserve tiny pockets of Judaism in the depths of Stalinist and post-Stalinist Russia—committing themselves against all odds to the exclusive maintenance of a kosher diet, to the avoidance of writing during enforced attendance at classes on the Sabbath and festivals, to months or even years of celibacy by married couples because of the unavailability of ritual baths necessary for the resumption of marital relations. I vividly remember the emotional impact of such stories as I responded to appeals for Lishkas Ezras Achim, a Chabad organization that shipped kosher food to observant Jews in the darkest days of the Soviet tyranny.

In the second half of the 20th century, this campaign and many others were spearheaded by the most recent rebbe, Rabbi Menachem Mendel Schneerson, who ascended to his position 50 years ago, following the death of his father-in-law. From the movement's headquarters in Crown Heights, Brooklyn, the Rebbe, as he was called in simple shorthand, established a world-wide empire of followers, spread Orthodox Judaism to places where it had never been known, energized Jewish education, led substantial numbers of irreligious Jews to observance, and much more. Indeed, he was a man of such extraordinary talent that most of the accolades heaped upon him by present-day messianists—a term widely used to characterize believers in his messiahship—are true.

The monumental importance of the Lubavitch movement, both before and after the Rebbe's death, goes largely unrecognized even by knowledgeable observers. A journalist basing himself on official sources recently reported that Chabad boasts more than 2,600 institutions throughout the world, with 3,700 married couples serving as emissaries; over 500 of these institutions have been established since the Rebbe's death alone. Even if the numbers are exaggerated, there is no question that the worldwide Chabad presence continues to grow at a stunning rate.

I was recently taken aback to learn, for example, that Chabad rabbis constitute 50 percent of the rabbinate in England. In Italy, Milan has a powerful Chabad presence, Venice boasts a Chabad center where many Jewish tourists eat and spend the Sabbath, and the most important ritual slaughterer in Rome is a Lubavitch Hasid. Any Jewish traveler to France, where the Lubavitch directory lists 35 major emissaries, will testify to the visibility and significance of Chabad institutions and services there. Thirteen of the 26 synagogues in Sydney, Australia are led by Chabad rabbis, and the kashrut authority in that city, in the words of my informant, "is supervised by one rabbi only—Chabad, of course." A Dutch Jewish journalist informs me that more than half the major Orthodox rabbis in Holland are Lubavitch Hasidim. The head of the rabbinic court for the entire city of Montreal is a Chabad rabbi. The Lubavitch directory lists eighteen major centers in Brazil.

Then there are the United States and Israel. In a significant number of American communities, anyone seeking an Orthodox presence—sometimes any religious Jewish presence—will find it only in Chabad. As for Israel, the movement is disproportionately represented there among the country's rabbis and religious functionaries, and its political influence testifies to its impact.

Finally, the role of Chabad in the former Soviet Union, a vast territory with a population of a half-million Jews, deserves special mention. The recently formed Federation of Jewish Communities has installed a Chabad emissary named Berel Lazar as the country's chief rabbi. Although the existing chief rabbi has not relinquished his position, the new group enjoys the sympathy of the government, and the activities of Chabad dwarf those of all other Jewish religious movements. According to one very well informed Russian Jew, Chabad will before too long come to be seen in his country as synonymous with Judaism, and all other Jewish religious groups will be perceived as sects.

III

Theoretically, the Rebbe could have established this extraordinary empire without reference to any belief in the coming end of days. In fact, however, his activities took place against the background of acute messianic expectation. In a series of statements that have since been vigorously underscored by the messianists, he himself unqualifiedly proclaimed the imminence of the redemption; encouraged the cry, "We want *moshiah* [messiah] now!"; and strongly implied that he would be the redeemer. Among such statements were these: that his deceased father-in-law, whose soul he was believed to have shared and who was consequently understood as a surrogate or code for the Rebbe himself, was the prince (*nasi*) of this generation and would redeem us. That the prince of the generation was the messiah of the generation. That this was the generation of the redemption. That the metaphysical process of separating the sparks of holiness from the domain of evil had been completed. That the messiah had already been revealed, and all that remained was to greet him. That the messiah was coming right away. That "the time of your redemption has

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arrived." That the final Temple would descend from heaven to a spot in Crown Heights adjoining Lubavitch headquarters, and that only then would the two buildings be transferred to Jerusalem. That the messiah's name was Menachem.

Not that the message was unequivocal. The Rebbe refrained from any open, explicit proclamation of his own messianic identity, taught that public relations must be conducted in a manner that would win acceptance, and continued to encourage leadership roles for people who were known to oppose the messianists. A long-time aide has reported that the Rebbe once told him, "The man who is the messiah has to have this revealed to him from above, and at present this has not been revealed to me." Though in his last years the Rebbe tolerated and even appears to have encouraged the singing of the formula declaring his messiahship—"May our Master, Teacher, and Rabbi the King Messiah live forever"—he also remarked that he should really leave the room when the slogan was sung and remained only because leaving would do no good. In the 80's he expressed strong criticisms of people who published messianist material, and he made a similar remark as late as 1991. On one occasion, he is reported to have responded to a petition addressed to him in his capacity as the messiah by saying, "When he comes I will give it to him."

In my own judgment, the Rebbe would not have wanted people to proclaim his messiahship after his death in an unredeemed world. Yet this is precisely what has occurred. Days after his death, a messianist newspaper in Israel compared nonbelievers to biblical worshippers of the golden calf who lost faith because Moses was absent on Mount Sinai longer than had been anticipated, and declared that the Rebbe "will appear with literal immediacy and redeem Israel." Within a few months, two beautifully produced volumes, the first in Hebrew and the second in English, were published to explain the grounds for continued faith. The Rebbe's strongest assertions concerning the imminence of redemption were now understood as literal prophecy.

When a prophet has spoken, no further evidence is necessary; all contrary evidence is null and void. Two thousand years of messianic literature were now scoured to find a handful of broadly relevant if, strictly speaking, inapplicable quotations—and several more irrelevant ones—to demonstrate that Judaism may countenance the belief in a messiah who returns from the dead. As the months passed, even this position did not suffice, and a growing number of messianists began to assert that the Rebbe *never* died, that he remained alive in the full sense of the word. In this reading, what happened on June 12, 1994 was an illusion, analogous to Satan's stratagem when, just before the sin of the golden calf, he showed the Jewish people what appeared to be the coffin of Moses. The Rebbe's funeral, like Moses' coffin, was thus a

> test for carnal eyes. . . . In truth, there was no passing away or leavetaking at all, God forbid. . . . What is special about the Prince of the generation is precisely that he is a human being *in a physical body* which must be a part of *the world*, and that is how he unites the world with the Godhead. We cannot say, we do not wish to say, it is entirely impossible to say that there was any "passing away," God forbid. The Rebbe lives and exists among us now exactly as he did before, literally, literally.

IV

As a historian of both Jewish messianism and Jewish-Christian debate, I had anticipated the possibility that some Lubavitch messianists might maintain their beliefs even after the Rebbe's passing. But, as advertisements, prayers, banners, and books persisted and proliferated, I was stunned and disoriented by the indifference to this development being shown by my own community, the Orthodox. Each day, I expected to hear major rabbinic figures and organizations declaring any such belief unacceptable in Judaism, disqualifying its adherents from holding positions of religious authority, and prohibiting Orthodox support for institutions espousing it. But there was nothing—only silence. It was as if I had been transported into a Twilight Zone where the rules of Judaism had been suspended.

After much inner turmoil, I decided to confront the issue. In an article published in *Jewish Action*, the journal of the Union of Orthodox Jewish Congregations of America (Fall 1995), I warned that, by continuing to recognize open messianists as Orthodox Jews in good standing, "We thereby affirm the full legitimacy of this belief. We award victory to Christianity in a crucial aspect of its millennial debate with Judaism. We accept a fundamental revision of a cardinal principle of the faith. We must tremble before the judgment of God and history."

Reaction to the article was swift, and varied. Expressions of support, while numerous, were largely confined—as they have continued to be confined—to the private sphere. As for criticism, *Jewish Action* received many responses from Lubavitch Hasidim pointing mainly to a single talmudic passage in Trac-

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tate *Sanhedrin* (98b) that, according to one interpretation, explicitly raises the possibility of a messiah who returns from the dead, and also to a few later authorities commenting on that passage. As we shall see, this criticism, to which I responded at length, not only rejects the firm Jewish consensus codified by Maimonides; it ignores key aspects of the messianists' belief that go well beyond the affirmation that the messiah might come from the dead.

By the early months of 1996, the little tempest that I created had spent itself, and Chabad's position in Jewish life continued much as before. Every once in a while, a messianist advertisement would arouse a flurry of discussion, the word "crazy" would be flung about by Orthodox Jews and others, and all would return to normal. In any event, there were more momentous issues for Orthodoxy to address. The Oslo agreement had launched a peace process in the Middle East that aroused intense concern, most acutely in the religious-Zionist community, over the permissibility of returning any part of the Land of Israel to non-Jews. In this atmosphere of ideological crisis, concentrating on the foibles of a few purportedly unbalanced Hasidim was itself liable to come under suspicion as an obsessive disorder.

Still, try as I might, I could not make peace with the transformed religion to which I suddenly seemed to belong. And so I turned to the Rabbinical Council of America (RCA), a major association consisting primarily of modern-Orthodox rabbis. In a letter to those members with whom I was personally acquainted, I proposed a resolution to be considered at the annual convention scheduled for June 1996. By an overwhelming majority of the assembled membership, the key provision of that proposal passed. It affirmed that "there is not and never has been a place in Judaism for the belief that *mashiah ben David* [messiah son of David] will begin his messianic mission only to experience death, burial, and resurrection before completing it."

This time, the messianists launched a furious counterattack, the most disconcerting element of which was a letter issued over the signature of Rabbi Ahron Soloveichik, a venerable and highly distinguished figure in the non-hasidic Orthodox world. The letter both decried attacks on Lubavitch and cited five of the messianists' favorite sources to establish that what was at issue was a "legitimate disagreement of interpretation."

Both the style and content of this document, however, suggested that it had not actually been written by Rabbi Soloveichik, a conclusion confirmed for me by individuals familiar with the course of events who reported that he had agreed to nothing more than a statement opposing denunciations of Lubavitch. Indeed, just eighteen months earlier, Rabbi Soloveichik had asserted that this same belief (which he mistakenly considered to be held by a small minority of Lubavitch Hasidim) "was possible in the Christian faith but not in Judaism" and was "repugnant to everything Judaism represents." Undoubtedly the rabbi's infirmity prevented him from exercising rigorous control over this affair, and a weak second letter denying that he "was endorsing specific views or claims concerning *mashiah*" has not prevented messianists from citing the original letter to this day.

Despite this disturbing intervention, the RCA's resolution stood, and I therefore began to wonder whether Orthodox leaders to the religious right of the RCA could also be persuaded to act. Committed to the authority of *da'at Torah*, or "the opinion of the Torah," the traditionalist Agudath Israel has set up a group of distinguished rabbis empowered to decide issues of both Jewish law and public policy. This Council of Torah Sages and its equivalent bodies in Israel hold a position of unparalleled influence in a major segment of Orthodoxy, and the leading authorities in that community command great respect among modern-Orthodox Jews as well.

I had sent copies of the exchange in *Jewish Action* to members of the Council, and followed up with several letters in the wake of the RCA resolution. Finally, in the fall of 1996, I received a call indicating that my letters were not disappearing into a void. It was from Rabbi Moshe Sherer, president of Agudath Israel and one of the most effective Jewish communal leaders of this generation. Rabbi Sherer had written me the previous December to acknowledge receipt of the exchange in *Jewish Action*, which he said he had read with great interest. This time his message was both somewhat cryptic and encouraging. "You have been writing to the *Moetzes*," he said, using the Hebrew term for the Council, "and have not received a reply. I want you to know that the members of the *Moetzes* are serious people who read serious material seriously."

As of today, the Council has yet to issue a statement on this matter. One of its members, requesting anonymity, has written me that he himself remains silent only out of concern that a non-unanimous statement could be taken as indicating that some of the rabbis do not disapprove of the developments in question. He has also urged me to continue my public campaign, saying that he regards me as "a hero" who will be remembered as "a fighter of the wars of the Lord against sects of

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falsehood." This rabbi is assuredly not alone in his views; but the impact of privately expressed positions is, needless to say, severely limited.

V

THUS FAR, we have been tracing the dissolution of a key distinction between the messianic faiths of Judaism and Christianity. What the messianists had done was not merely to affirm that a deceased descendant of David might theoretically be resurrected as the redeemer. By confidently claiming one such presumed descendant as the messiah, despite his death in an unredeemed world, they had abolished Judaism's bedrock requirements for identifying such an individual. To make matters worse, this same individual had asserted that the cosmic process necessary for redemption was already completed.

The record in such a case leaves no room for ambiguity. Judaism unequivocally rejects the belief that God will send the real messiah to preach that the redemption is arriving "right away" (as the Rebbe certainly did), let alone to identify himself clearly as the redeemer (as the messianists believe he did), and then have him die before the fulfillment. The unambiguous criteria that Jews have applied in evaluating such a claim are rooted in the biblical prophecies that define the messianic faith itself. To affirm the messiahship of the deceased Rebbe is to deny a foundational belief of the Jewish religion.

But more was to come. In the fall of 1997, six prominent Chabad rabbis issued a formal ruling that was soon reprinted with a growing number of signatories; by January 2000, it had gathered 150 signatures. Since, according to this ruling, the Rebbe had exhibited the qualities of learning and character set by Maimonides for a prophet; since he had issued numerous correct predictions—about the Six-Day war, the Gulf war, and other matters; and since, for anyone with eyes to see, he had declared himself both prophet and messiah, one must accept his messiahship as a function of the obligation to obey a prophet.*

And still more—much more. From late 1996 through 1997, something began to emerge that many observers have found so difficult to digest that they refuse to believe the evidence before them. For a significant number of Lubavitch Hasidim, the Rebbe himself is nothing less than pure divinity.

In the autumn of 1996, a Chabad weekly in Israel printed a revised version of the standard messianist slogan. Instead of reading, "May our Master, Teacher, and Rabbi the King Messiah live forever," it read, "May our Master, Teacher, and *Creator* the King Messiah live forever" (emphasis added). A few weeks later, the same publication, citing a mainstream Chabad work published in 1991, declared that it is permissible to bow down to the Rebbe because "his entire essence is divinity alone."

In a French-language Chabad journal, the date of the Rebbe's death was described as the day of the king messiah's "*apothéose*" (i.e., ascent to heaven as a divinity), while an English article characterized the Rebbe as the "Essence and Being of God enclothed in a body, . . . omniscient and omnipotent." Emphasizing that these were "neither wild exaggerations nor poetic parables," the author concluded, "So who [is] *Elokeinu*? [our God?]. . . . The Rebbe, *melekh hamoshiah* [the king messiah]. That's who."

A messianist catechism, in a passage ascribed to a religious mentor in a major Chabad yeshiva in Israel, described the Rebbe as in charge "of all that happens in the world. Without his agreement no event can take place. If it is his will, he can bring about anything, 'and who can tell him what to do?'. . . . In him the Holy One Blessed be He rests in all His force just as He is . . . so that this becomes his entire essence." The same mentor wrote an article titled "I Don't Regard the Rebbe as *Basar Va-Dam* [Flesh and Blood]." He asserted:

> Yes, the Rebbe's body is composed of flesh and blood, but as far as he's concerned he is not compelled or limited by anything—not by physical limitations nor by spiritual limitations. He "is what he is" [cf. the divine name in Exodus 3:14]. Even as he is enclothed in a physical body, he remains limited by nothing whatsoever and he has the ability to do everything and be everything in an unlimited manner.

Another religious mentor, this one in a major Brooklyn yeshiva, wrote that the Baal Shem Tov, his immediate successor, and all Chabad rebbes prior to Rabbi Menachem Mendel revealed the "pure Essence of God," but did so "within and by way of a particular *sefirah*," one of the ten emanations of the divine in Jewish mysticism. The most recent—or current—Rebbe, however, differed from his *sefirah*-bound predecessors by manifesting the unlimited essence of God in its full purity without even the subtlest concealment.

After reading some of this material, I wrote an article for the Israeli newspaper *Ha'aretz* under the title, "On False Messianism, Idolatry, and Lubavitch" (January 11, 1998). Fueled by the Internet, it aroused

* Setting aside the question of intrinsic persuasiveness, this ruling can generate an unintended consequence. The Rebbe's predictions of redemption strongly implied that the messianic age should have already arrived. Since it plainly has not, insisting that they were intended as prophecies has the effect of turning the Rebbe into a *false* prophet.

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tempestuous reactions in many quarters. On the positive side, the Council of Torah Sages authorized the *Jewish Observer*, the magazine of Agudath Israel, to publish an article defending the normative Jewish view of the messiah, and the Central Committee of Chabad-Lubavitch Rabbis in the United States and Canada, an organization that is regrettably far less significant than its name implies, denounced the deification of any human being. On the negative side, an article in the messianist journal *Beis Moshiach* defended the full range of formulations that I had attacked, and in a variety of forums I was described as a snake, an ass, a pig, and a heretic. Other Lubavitch representatives denounced me for citing statements by a few marginal lunatics as if they were held by the Chabad mainstream—though one of these representatives added immediately that there is firm authority for the proposition that an extremely righteous man is "only God Himself, Essence and Being. That is a rebbe."

This issue is especially sensitive because the Rebbe himself, referring primarily to his father-in-law, once described a hasidic rebbe as "the Essence and Being [of God] placed in a body." While I do not believe he meant this with absolute literalism, even some Hasidim who refrain from language that calls the Rebbe "God" do so *only* because they think it would imply that he is a separate, independent deity, or that the essence of God is limited to a single human being. They do, however, believe that the Rebbe's entire essence is divine. Thus, the difference between adherents of this theology who use a liturgical formula calling the Rebbe our Creator and those who do not is essentially semantic (though surely the reluctance to use such a term also stems from a deep-seated Jewish taboo).

In any event, all parties imagine that by denying that the Rebbe is an independent deity, or that the divine Essence has been limited to this particular human being, they have adequately distinguished their position from Christianity. In fact, however, they have distinguished their position only from a caricature of Christianity. As far as classical Judaism is concerned, even genuine Christianity, in which Jesus is a manifestation of one element of the single Creator God, is a form of "foreign worship" (*avodah zarah*), which roughly means the formal recognition or worship as God of an entity that is in fact not God.

There are, of course, differences between the specific Christian dogma affirming the incarnation of the second person of the trinity to form a God-man and the literal contention that the Rebbe is nothing but pure divinity, but I do not believe those differences are material from the perspective of Jewish law. A Jew who believes that God is literally manifested in all His force in the Lubavitcher Rebbe, and has even a fleeting thought of this manifestation while he worships, commits one of the cardinal sins in Judaism.

Many Lubavitch Hasidim take the rhetoric about Essence and Being metaphorically. Nevertheless, a literal understanding is decidedly to be found among mainstream figures teaching in the central institutions of the movement—and hence, one must assume, among their students. Noting such Lubavitch doctrines, a Christian missionary has recently commented on the irony of Hasidim who continue to be classified as Orthodox Jews despite their belief in a deceased, divine messiah—a classification based on their messiah's being identified as Rabbi Menachem Mendel Schneerson rather than as Jesus of Nazareth. Regrettably, this author continues, "they have pinned [their hopes] on the wrong candidate." In this way—and setting aside the issue of Jewish observance—the deep theological divide between Judaism and Christianity has been reduced to a matter of mistaken identity.

VI

There is a prevailing impression these days—one that has been furthered by some Lubavitch spokesmen—that the messianists are either a peripheral phenomenon or in retreat. This impression is seriously awry. Chabad Hasidism is dominated by the messianist belief.

Of course, there are genuine non-messianists in Chabad. The establishment leadership in the United States and Israel, whatever its inner beliefs, officially opposes overt messianist propaganda, and emissaries tend to be somewhat less affected than are the main population centers in Brooklyn, Israel, and elsewhere. Nonetheless, the central synagogue at 770 Eastern Parkway in Crown Heights—the hub of worldwide Lubavitch Hasidism—is indisputably the headquarters of a messianic sect, and there the messianist slogan is a regular component of the liturgy. The slogan adorns the headquarters of the Lubavitch Women's Organization in Crown Heights. A prominent messianist directs the Lubavitch Youth Organization. Major schools in Crown Heights are shot through with messianism. In Israel, the rabbi of Kfar Chabad is a messianist.

In the fall of 2000, *Beis Moshiach* published a multi-part interview with nine messianist religious mentors from Lubavitch yeshivas around the world. The Chabad school system in Safed, Israel, which boasts 1,500 students, teaches the messiahship of the Rebbe. A powerful messianist pres-

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ence is evident in France, Australia, Montreal, and many other centers. The Chabad rabbi who heads Montreal's rabbinic court was appointed to that position *after* he signed the 1997 ruling obligating all Jews to accept the messiahship of the Rebbe. Seventeen of the most important emissaries in the former Soviet Union, including the new chief rabbi, are likewise signatories. So are nearly 70 Israeli rabbis, including many identified as chief rabbis of towns, cities, and settlements—so many, indeed, that Israel's chief rabbinate was finally impelled to place a small advertisement in a religious newspaper declaring the ruling a dangerous stumbling block in a matter touching the foundations of the faith.

I do not dismiss the importance of this advertisement, any more than I do the RCA resolution for which I fought so hard, or the article in the *Jewish Observer*, or the delegitimation of messianists in a few Orthodox subcommunities such as the one led by Rabbi Elazar Menachem Schach in Israel. Nonetheless, these limited, episodic expressions of disapproval do not even come close to a genuine communal policy, which would have to include such measures as the refusal to appoint messianists to positions of religious authority and a prohibition on the use of certain foods and ritual objects produced by Chabad Hasidim whose beliefs have not been determined. Indeed, the key element in creating the present watershed in Judaism *is* the inaction of the mainstream community, if not its positive embrace of overt messianists.

The reasons for this inaction and this embrace are varied, numerous, and powerful. They include:

- the ideal of toleration, or the desire to promote unity and avoid strife;
- the difficulty of overcoming the impression of strict traditionalism created by the physical appearance of messianist Hasidim and their evident observance of the religious commandments of Judaism;
- the balkanization of Orthodoxy, which leads to almost exclusive concern with one's own enclave;
- the fact that Orthodox Jews everywhere are deeply reliant on Chabad services;
- the waning of a Christian threat, which has weakened instincts that would once have recoiled instantly from doctrines smacking of Christology;
- admiration for all the "good things" accomplished by the Lubavitch movement;
- the conviction that the messianist development is a form of transient insanity that can be ignored;
- the difficulty of fighting a battle against a movement with financial resources, political influence, and deep reservoirs of sympathy.

To overcome these obstacles would require an extraordinary degree of determination and conviction—one that appears well beyond the capacity of this generation of Orthodox Jews.

To a greater extent than usual, the ultimate significance of this development depends on the perspective of the beholder. To a historian or sociologist, what we have here is a striking case study in the transformation of religions, in the persistence of millenarian convictions, and in the power of social forces to overwhelm belief-systems that have survived generations of untold pressures. Studying this movement has instructed me, as well, in the divergent ways believers respond to challenges arising from without and those arising from within, and also caused me to reassess some of my views about the historiography of early Christianity.

To believing Christians and Jews, the significance can be much deeper. For Christian missionaries, Lubavitch messianism—and its effective legitimation by mainstream Orthodox Judaism—is an unanticipated, unearned, but priceless gift. For non-Orthodox Jews, many of whom have long since abandoned the belief in a personal messiah, this affair raises other questions. The affirmation that a human being is pure divinity should be no less disturbing to Conservative and Reform Jews than to the Orthodox. On the other hand, it is difficult to become too exercised over the question of whether the messiah in whom you do not believe has already appeared.

Or is it? By this reasoning, it should not matter whether the messiah in whom you do not believe is Jesus of Nazareth. But in point of fact this matters very much to all committed Jews. The visceral Jewish opposition to such groups as Jews for Jesus, even when they declare some level of commitment to the Jewish people and Jewish religious law, is not generated solely by the fact that they affirm the divinity of Jesus. Evidently, even those Jews who have rejected the traditional messianic faith do not want those who retain it to permit its Christianization.

And so we conclude with those who *have* retained that faith. Most Orthodox Jews have not yet awakened to the mortal wounds inflicted during the last seven years upon the millennial Jewish idea of the messiah and the Jewish conception of God. When they do, it is remotely possible that they will act decisively, recognizing the threat to Jewish theology and Jewish practice alike. To this point, however, Orthodox reactions have provided few grounds for optimism. The classical messianic faith of Judaism is dying.

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Race Preference and the Universities—A Final Reckoning?

Carl Cohen

PREFERENCE BY race in university admissions is a widespread practice in the United States. Although the Supreme Court has condemned racial preferences in other contexts, it has addressed university admissions only once, in the 1978 case of *Regents of the University of California* v. *Bakke*.[1] Soon, however, the matter is likely to come before the Court again.

Two cases involving the University of Michigan—called, after their lead plaintiffs, *Gratz* and *Grutter*—have already been decided at the lowest judicial level. Both will be argued on appeal this autumn in the Sixth Circuit, and are then virtually certain to be appealed to the highest court. The outcome is bound to prove momentous. But at the present stage, the two cases are in sharp conflict, and this conflict opens a rich field of argument.

Gratz concerns admission to the undergraduate college of the University of Michigan, *Grutter* to the law school. In both cases, the respondents are the regents of the university; its president, Lee Bollinger; and other officers. Although the cases are distinct, the essential issue they present is the same: did the University of Michigan, which concedes giving preference in its admissions decisions to some racial minorities, violate the constitutional rights of applicants who were not preferred, like Jennifer Gratz and Barbara Grutter?

For their part, the plaintiffs do not contend they had a right to admission, but rather that the racial distortion of the admissions process denied them a fair review.[2] They also claim that the university broke the law, because Title VI of the Civil Rights Act of 1964 is explicit in forbidding discrimination by race or color or national origin by institutions (like the University of Michigan) receiving federal financial assistance. For *its* part, the university does not deny that it weighs the race of applicants in its admissions process, but contends that its uses of race are lawful and constitutional. Two acute and knowledgeable federal judges—Patrick J. Duggan in *Gratz* and Bernard Friedman in *Grutter*—have issued the irreconcilable opinions that I will explore below.

FIRST THE facts. From 1995 to 1998, the University of Michigan sorted all applicants for undergraduate admission into "cells," using grids marked on the vertical axis with grade-point averages (GPA's) and on the horizontal axis with test scores (SAT or ACT). Admissions officers were instructed to give standard ratings to applicants in

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[1] The legal citation is 438 U.S. 265. An earlier case, *DeFunis* v. *Odegaard*, was ultimately held moot.

[2] Their academic credentials are such that, had either been a member of one of the preferred racial groups, it is a virtual certainty she would have been admitted.

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each cell; but not everybody in the same cell received the same rating. In cell after cell, applicants with a given set of academic credentials were rejected if they were white but accepted if they were from a targeted minority—African American, Hispanic American, or Native American. Overall, admission rates for these minorities were much higher than admission rates for white and Asian applicants.

These and many other facts became public in 1996, when the university documents revealing them were reluctantly delivered up in response to a request under the Michigan Freedom of Information Act (FOIA).[3] For years, the university had explicitly denied giving racial preferences, but by the time the present cases were filed in 1997, the reality was no longer in dispute. Then, in 1998, the university changed the mechanics of its undergraduate-admissions system to eliminate the embarrassing grids while continuing to give preference in other ways. The newer system, still in force, is based on point totals: out of a possible 150, 100 normally suffice for admission, with minority applicants receiving twenty points automatically.[4]

In the undergraduate case, *Gratz*, both parties sought summary judgment, and in December of last year Judge Duggan granted it in two very different parts. The older, pre-1998 system he found to be a violation of the equal-protection clause of the 14th Amendment; because Jennifer Gratz and the class of plaintiffs she represented had applied for admission during the years that older system was in force, they won their suit. But with respect to the *current* preferential system, Judge Duggan granted summary judgment to the university. This system, he concluded, crosses the "thin line" into permissibility because, unlike the older system with its "practice of 'protecting' or 'reserving' seats for underrepresented minority members," the newer one "does not utilize rigid quotas or seek to admit a predetermined number of minority students."

I will return to Judge Duggan's defense of the new system, but here let me observe in passing that his distinction between it and the old system is highly problematic. Again and again, the university itself asserted flatly that the new system "changed only the mechanics, not the substance" of admissions practices—which makes perfect sense, since the objective was to achieve the same results. As the Sixth Circuit court of appeals noted in another case, "quotas and preferences are easily transformed from one into the other." Any quota can be satisfied (the court observed) by adding to the score of each minority applicant some number of points calculated to yield the desired outcome.

The University of Michigan did precisely that. As sworn depositions revealed, the number of points awarded for minority status in the new system was decided upon by determining statistically how many points would be needed to insure *the same number* of minority admissions as the old system! If the fatal flaw of the old system was that it protected a fixed number of seats for minorities, the new system is undeniably flawed in the same way.

Nor does the use of points in place of grids make a significant difference. Any preferential system, including the one now in force, can be exhibited on a grid, which is only an instrument for showing what is being done. The university, embarrassed by what its earlier grids had plainly revealed, made but a cosmetic change. If preference given for skin color is wrong, it is wrong whether highlighted on a grid or obscured by placing the racial factor low on a list.

WHICH BRINGS us to the law-school case, *Grutter*. There the university also admitted that race was commonly considered in admissions; what was chiefly in dispute was the *weight* given to race.

The Michigan law school is highly competitive; thousands apply each year for some 380 seats. Using undergraduate grade-point averages, and LSAT rather than SAT scores, the law school charted admissions by race from day to day. Each cell in these charts (also obtained through a FOIA request) disclosed the number of applicants and the number of acceptances in each category of academic achievement. Separate charts were prepared by the school for "Caucasian Americans" and for "African Americans" and other minorities. The admission rate for white applicants in many cells was 2 or 3 percent while—in those same cells—the admission rate for blacks was 100 percent. Statistical analysis showed that, for minority students, the odds of admission were *hundreds* of times greater than the odds for majority students with the same academic credentials.

None of this could be denied. But *how* the number of minority students was decided, and whether numerical targets were in fact used, were matters hotly contested at the trial ordered by Judge Bernard Friedman. Deans and admissions officers of the law school were examined and cross-examined, minutes of faculty meetings and other records were analyzed scrupulously. The university repeat-

[3] The request was made by me.

[4] By contrast, twelve points are given under the current system for a perfect SAT score and six points for a very poor SAT score.

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edly sought to assure the court that although race was indeed considered, it was merely one minor factor among many. But, with awkward inconsistency, administrators were also anxious to persuade the court that, if they were not permitted to continue to use race in admitting students, the Michigan law school would be devastated. Thus was confronted what may be called (after the university's president) Bollinger's dilemma: if the elimination of racial preferences would indeed be devastating, race could not have been a minor factor; if it really were a minor factor, the elimination of preferences could not be devastating. The law school wanted it both ways.

University officials found cross-examination at this trial greatly discomfiting. They were obliged to duck and dodge the questions seeking to determine what the target percentage of minority students had been. Law-school officers expressed abhorrence of any "quota," denied using any target numbers, and insisted repeatedly that they sought no more than a "critical mass" of minority students. But how did they know when they had achieved a critical mass? Was there really no target number at all? How did they know when they had too few? Responses were doggedly evasive, but the university could not escape disclosing, through its own documents and in answer to questioning, that it had indeed always found its critical mass at the point where minority admissions reached 10 to 12 percent of the entering class, or more. The regularity with which minority enrollments over recent years fell neatly into that range was quite remarkable.

What was really going on in the Michigan law school could not be hidden, and proved highly embarrassing for a great university. Judge Friedman, in his findings of fact, put the inescapable conclusion bluntly: the system of racial preferences at the Michigan law school, he said, was "practically indistinguishable from a quota."[5]

THE CONFLICTING arguments in *Gratz* and *Grutter* are as interesting as they are important. District courts and circuit courts are bound by principles laid down in earlier cases by the Supreme Court, and on the uses of race in college admissions the Supreme Court has issued, as I remarked earlier, one landmark decision: *Bakke*. Just like Jennifer Gratz and Barbara Grutter, Allan Bakke, a splendid applicant twice rejected in the 1970's by the medical school of the University of California at Davis, had argued that the review of his application was distorted by racially discriminatory practices. He won in California's highest court, and again when the case was appealed to the Supreme Court. Bakke's admission was ordered, and he completed medical school there.

Nevertheless, the *Bakke* decision has given rise—with reason—to great and continuing uncertainty. The case plainly forbids practices like those of the University of California in the 1970's. But its principles, and how they are to be applied to admissions programs like those at Michigan today, are questions not easy to answer. What *Bakke* permits and does not permit remains highly controversial.

One critical rule of law in this arena is clear and well settled: racial classifications, in view of their cruel and invidious history, are always *suspect*. Their use—although not absolutely excluded—must be very solidly justified; any government program that treats different races differently will be subject to a very high standard of review, called the standard of "strict scrutiny." This standard in turn has two prongs: any use of racial classifications by an arm of government must be shown both (a) to serve a compelling state interest, and (b) to be "narrowly tailored" to serve that compelling interest.

Why so high a standard should be imposed is not hard to see. In light of the ways our government has used race in generations past, no government agency can be trusted to distribute benefits to one racial group at the expense of another without reasons that are demonstrably overriding in force. The University of Michigan is a public university, an arm of the state of Michigan. It therefore must sustain the heavy burden of identifying the state interest that justifies its admitted use of racial classifications. When it favors applicants of some races and disfavors applicants of other races, what compelling need is served?

Ordinary citizens often suppose that the justification for preferences is the desire to give redress for the cruel damage done in the past. It is time, the argument runs, to "level the playing field" by compensating for the "societal discrimination" that has long oppressed racial minorities in this country. We may call this the "compensatory defense" of preferences, and it was put forcefully (if unsuccessfully) by the University of California in *Bakke*.

But there is another defense of racial prefer-

[5] In a later response to a university request for a delay in the imposition of his judgment, Judge Friedman removed the qualifying adjective "practically." And to the university's contention that it would be irreparably harmed if forced to abandon racial preferences, the judge memorably replied: "Defendants are not irreparably harmed by an injunction that requires them to comply with the Constitution."

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ences, built upon the conviction that such a system enriches the educational experience of all. This is the so-called "diversity defense." Although most people would consider it not nearly so strong as the compensatory defense, it came to be relied upon after *Bakke* largely because, in that case, Justice Lewis Powell had found diversity to be sufficiently important in university education that for some applicants in some circumstances it could be a compelling state interest supporting preferences.

As a strategic issue, the University of Michigan had to decide which of these two arguments would have the best chance of success. Its decision was to put *all* of its eggs in the diversity basket.[6] It adopted this strategy because it wanted to win, and because it knew with virtual certainty that it could not win by relying on a compensatory defense.

The reasons for this are not widely understood. In *Bakke*, four of the nine Justices, led by William F. Brennan, would have accepted compensation for past injury as the needed state interest (under a standard less strict than what is now universally agreed to be necessary). Four other Justices, led by John Paul Stevens, thought the California preferences an obvious violation of the Civil Rights Act of 1964, and certainly not defensible on compensatory grounds. (The statutory prohibition, wrote Stevens, was "crystal clear: race cannot be the basis of excluding anyone from participation in a federally funded program.") So Powell stood alone as the ninth and deciding voice.

POWELL WAS a man of moderation. In his *Bakke* opinion, he condemned systematic racial preferences vigorously and repeatedly.[7] But, in deciding between closely matched applicants, he thought it would not be unreasonable for an admissions officer to weigh the contributions that particular applicants might make to the richness of the learning environment. The only way to permit such discretion, however, would be by softening the absolute prohibition of racial considerations that had been ordered by California's highest court.

The language with which Powell sought to effect the needed softening has been the source of untold confusion. Because, he wrote, a diverse student body contributes to the "robust debate" protected by the First Amendment, diversity might be a compelling interest—a constitutional interest—in some cases, thus warranting what Powell referred to as a "plus factor" for certain individual applicants. These few words about the possible role of "diversity" became, and remain, the bulwark of those seeking to protect racial preferences in admissions.

How widely Powell's view was shared by other Supreme Court Justices in *Bakke* is an interesting question, but before getting to it I want to emphasize something else: namely, Powell's categorical *rejection* of the compensatory defense that had been strongly urged by the University of California. Powell's reasons for rejecting it have been reaffirmed by courts over the years. Their ineluctable force—which is what compelled the University of Michigan to build its argument on the alleged need for "diversity"—is rooted in the certain fact that no university is competent to make the findings and frame the remedies that just compensation might require. In Powell's words:

> We have never approved a classification that aids persons perceived as members of relatively victimized groups at the expense of other innocent individuals in the absence of judicial, legislative, or administrative findings of constitutional or statutory violations. . . . Without such findings of constitutional or statutory violations, it cannot be said that the government has any greater interest in helping one individual than in refraining from harming another. Thus, the government has no compelling justification for inflicting such harm.
>
> Petitioner [the University of California] does not purport to have made, and is in no position to make, such findings. Its broad mission is education, not the formulation of any legislative policy or the adjudication of any particular claims of illegality. . . . Isolated segments of our vast governmental structures are not competent to make those decisions. . . .
>
> Hence, the purpose of helping certain groups whom the faculty perceived as victims of "societal discrimination" does not justify a classification that imposes disadvantages upon persons like respondent [Allan Bakke] who bear no responsibility for whatever harm the beneficiaries of the special-admissions program are thought to have suffered. To hold otherwise would be to convert a remedy heretofore reserved for violations of legal rights into a privilege that all institutions throughout the nation could grant at their pleasure to whatever groups are perceived as victims of societal discrimination. That is a step we have never approved.

[6] For an account, see "The 'Diversity' Defense" by Jason L. Riley in the April COMMENTARY, and the letters beginning on page 16 of this issue—ED.

[7] Powell wrote: "The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection then it is not equal."

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Nor will any court ever approve such a privilege under our Constitution, for once the authority to make such determinations is given to middle-level bureaucrats working behind closed doors, as admissions officers at most universities do, it would be uncontrollable, and inevitably abused.[8] So the University of Michigan will never be permitted to justify giving preference to minorities on the ground that it, in its wisdom, has decided such preferences are an appropriate remedy for oppression it concludes has been long suffered. This being very clear, nothing remains for the university save the argument from "diversity." There is no other viable path.

AN INTELLECTUALLY diverse environment is a value every state university is wise to promote; no one is likely to quarrel with that. But the claim that ethnic preferences improve learning and teaching is an empirical one, and is disputable. And even if the claim could somehow be proved true, is diversity *so* good that it rightly justifies discrimination by race?

Let me deal with the second issue first, and with its moral aspect before its legal one. Suppose you have been shown strong evidence that *segregated* classrooms improved learning and teaching. Suppose that the data in support of segregation were very impressive, far more impressive than the materials offered by the University of Michigan in support of the alleged benefits of diversity. Would we think that constituted a justification for deliberate racial segregation? To the contrary: we would say that segregation by race, imposed by the state, is *wrong*, and any advantages that might flow from it could not begin to justify a policy that is intrinsically immoral and unjust.

That is what racial preference is. As it happens, the praises of diversity sung by the university are a tissue of exaggerated claims; but even if they had substantial merit, in a decent community they would carry no weight. Racial discrimination imposed by the state is despicable, and no studies aiming to persuade us of its benefits can make it less so.

But moral judgments will not decide the two Michigan cases—at least until they reach the Supreme Court. The *legal* issue that must be resolved in deciding them is this: under the standard of strict scrutiny laid down by the Supreme Court, can diversity serve as the "compelling state interest" that may justify the use of racial classifications by a government agency? This is the key question presented by *Gratz* and *Grutter*. Let me take each case in turn.

In *Gratz*, Judge Duggan contended that the Supreme Court in *Bakke* held the educational benefit of diversity to be a compelling government interest justifying the use of race as a factor in admissions. If that is so, five Justices of the Court must have expressed agreement with that proposition. But of the six opinions rendered in that case, only one, Justice Powell's, so much as mentioned diversity; the eight other Justices had nothing to say about it.

True, concedes Duggan; but we must look beneath the surface. Four Justices (Brennan, White, Marshall, and Blackmun) supported racial preferences in *Bakke*, and sought to protect the university's authority to give them. When one grasps the spirit of their decision, says Duggan, one sees also that they *would have* supported the diversity defense if doing so would have saved the preferences. Note that Justice Brennan, in a later case, described *Bakke* as "recognizing" that "a 'diverse student body' contributing to 'a robust exchange of ideas' is a 'constitutionally permissible goal' on which a race-conscious university admissions program may be predicated." And the Brennan four certainly agreed with Powell that there are circumstances under which race may be appropriately used. This gives us enough (Judge Duggan contends) to resolve the uncertainty in favor of the diversity principle.

As both Judge Duggan and the university have pointed out with satisfaction, such a conclusion is also confirmed by one critical passage in Powell's opinion that was *joined* by Brennan, Marshall, White, and Blackmun. All five agreed in saying this:

> In enjoining [the University of California] from ever considering the race of any applicant, however, the [lower] courts . . . failed to recognize that the state has a substantial interest that legitimately may be served by a properly devised admissions program involving the competitive consideration of race and ethnic origin.

If five Justices together held unequivocally that a substantial government interest could be served by race-based admissions, as they clearly did, we may conclude, says Duggan, that the Supreme Court has indeed spoken definitively on this matter. This conclusion is given further support, he thinks, by the way the two rationales—compensa-

[8] In 1999, in an effort to overcome the "imbalance" created by the presence of too many women on campus, the University of Georgia gave a substantial advantage to male applicants. But a district-court judge was not impressed, and found such a device unlawful. If admissions officers were empowered to give such group preferences, what group might next be helped?

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tion and diversity—are related to each other. When a fragmented court comes to a result that nevertheless gets majority support, there is an established method for determining the governing principle. In such cases, we ask which of the grounds proposed is the narrowest, the one that goes *least* far. In this case, asserts Duggan, that narrower justification is diversity. Hence, using this interpretive principle, we may conclude that, in spite of the fragmentation on the *Bakke* court, a single holding can be derived from its decision: namely, that diversity may be a compelling need.

To support these views, finally, Judge Duggan quotes a decision by the court of appeals of the Ninth Circuit (covering California and eight other Western states):

> True it is that Justice Brennan did not specifically say that "race" could be used to achieve student-body diversity in the absence of any societal discrimination, but . . . we can hardly doubt that he would have embraced that somewhat narrower principle if need be, for he thought that it was simply an allotrope of the principle he was propounding.

Taken together, these considerations constitute the very best defense that can be made for the claim that the current admissions practices of the University of Michigan can be defended under *Bakke* by the compelling need for diversity in college classes.

ADDRESSING THE same issue three months later in *Grutter*, Judge Bernard Friedman reached the very opposite conclusion. Each of the considerations registered by Duggan was weighed, and rejected.

First, according to Friedman, we may not consider the diversity defense to be a holding of the Supreme Court simply on the ground that four Justices who did not in fact support it may be supposed to have supported it. We know precisely what those four Justices did: they deliberately *refrained* from joining Justice Powell in any of his remarks about diversity.

Justice Powell's opinion, Friedman points out, had many parts. He introduced and explained his diversity rationale in Part IV-D, where he concluded that "the attainment of a diverse student body . . . clearly is a constitutionally permissible goal for an institution of higher education." Parts V-A and V-B also concern diversity; in them, Powell showed that the particular system of racial preferences in question at Davis could not be justified by diversity, or by anything else. These three are the *only* portions of any of the six opinions in *Bakke* in which diversity is mentioned.

Now, Justice Brennan and the three others in his group did not join Powell either in Parts V-A or V-B, or in the diversity rationale given in IV-D; they very self-consciously joined him in a wholly different portion of his opinion—namely, Part V-C. We therefore cannot say, as Duggan does, that they *would* have agreed with Powell, for if they had, it would not have been inconsistent for them to join him in those other passages even though theirs was a defense of preferences on compensatory grounds. The fact that they did not do so very strongly suggests that they did not share his views—did not believe diversity constitutes a compelling state interest in the needed sense.

As for Brennan's later remark, asserting in retrospect that some unnamed persons viewed diversity at that earlier time as a constitutionally permissible goal "on which a race-conscious admissions program may be predicated," it has no force in determining what was actually done in the *Bakke* case. Brennan may have later changed his mind, but even so we may not infer that others had changed theirs. Nor could this retrospective account justify the inference that he and his three colleagues had earlier asserted or affirmed that diversity is a compelling state interest. Very plainly they did not.

How then are we to account for the paragraph—part V-C of Powell's opinion—in which five Justices (Powell and the Brennan four) did join? The University of Michigan repeatedly cited that paragraph, suggesting that by it the defense of the diversity rationale is made secure. But what the five Justices agreed to in that single paragraph was no more than this: all of them believed (in Judge Friedman's paraphrase) that "the state has *a* substantial interest that legitimately may be served by a properly devised admissions program involving the competitive consideration of race and ethnic origin." The nature of that substantial interest was very carefully not stated, because it was not agreed upon. For Brennan and company, it was compensation for injuries earlier done; for Powell, who had forcefully rejected the compensatory argument, it was the diversity that might contribute to the robust exchange of ideas. The paragraph, short and very carefully crafted, gathered the needed five votes in order to allow only that the state may have *some* interest that can justify the use of race (thereby overturning the absolute restriction imposed by the California Supreme Court), while remaining in deep disagreement about what that interest is.

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What about Duggan's contention that, in considering the two alternative rationales for the result in *Bakke*, diversity, being the narrower, must therefore be taken to be what the Court held? This would be a clever argument if only its minor premise were true. But it cannot be said of these two rationales that diversity is the "narrower" and compensation the "broader," for the two rationales share no common ground, being rather completely different in spirit. Compensation for those who have been injured is retrospective, seeking remedy for what was earlier done; achieving a diverse enrollment is prospective, seeking an improvement in what is to be done. Neither of these two principles is in truth narrower or wider than the other; they are entirely disparate.[9] Thus, as Judge Friedman sums the matter up, "there is no force at all to defendants' contention that the Brennan group's joinder in Part V-C of Justice Powell's opinion may be taken as an endorsement of Justice Powell's discussion of the diversity rationale."

Finally, there is the matter of judicial authority. The only commanding authorities in the Michigan courtrooms where *Gratz* and *Grutter* were heard are the Supreme Court of the United States and the court of appeals of the Sixth Circuit (covering Michigan, Ohio, Kentucky, and Tennessee). Other circuit courts (whose opinions are not binding here) have indeed addressed the issue, but are also in conflict. Thus, as I noted earlier, a panel of the Ninth Circuit did agree with Duggan, claiming with unwarranted confidence that Brennan had "embraced" Powell's views about diversity, which he supposedly considered "simply an allotrope" of his own compensatory principles. But William Brennan was a learned man who probably knew exactly what an allotrope is—in chemistry, one of the several forms of a single element, as charcoal and graphite and diamond are allotropes of carbon. To suggest that the diversity rationale, aimed at enriching learning, is an allotrope of the compensatory rationale, aimed at redressing injury, is an intellectual blunder Justice Brennan was too keen to have made.

Authority on Friedman's side of the issue comes from the court of appeals of the Fifth Circuit (covering Texas, Louisiana, and Mississippi). In *Hopwood* v. *University of Texas* (1996), a case very similar to *Grutter*, a three-judge panel of that court held emphatically that the diversity rationale has absolutely no support other than that of a single Supreme Court Justice, Lewis Powell; has never represented the view of a majority of the Court in *Bakke* or in any other case; and has no value as a rule of law. When that opinion was appealed to the full Fifth Circuit it was again affirmed; subsequently the Supreme Court declined to review it.

IN SUM, the longstanding dispute about what principle *Bakke* provides—whether it does or does not support the view that diversity in a university's entering class can serve as a compelling state interest—remains unresolved. That is why these Michigan cases are so intriguing. Preferential admissions can survive only if the need for diversity will suffice to defend them, and how the district and circuit courts will come down on this matter must depend on how they read the holding of the Supreme Court in *Bakke*. Judge Friedman, after meticulous consideration of the legal precedents, has come to the view most likely to prevail. He writes: "[This] court concludes that Justice Powell's discussion of the diversity rationale is not among the governing standards to be gleaned from *Bakke*."

When these cases reach the Supreme Court, however, what may be gleaned from *Bakke* may prove to be not so important after all. That Court, though always mindful of precedent, is not firmly bound by *Bakke*, however interpreted. It may reverse *Bakke*, or amend it in whatever way the nine Justices think our civil-rights laws and the Constitution demand.

Reliance upon the diversity rationale for racial preference faces still another hurdle. Suppose again, for the sake of argument, that diversity *can*, as Powell suggested, serve as the required "compelling need." By itself, that would not be enough: the standard of strict scrutiny requires that when racial devices are employed, they must be shown to be "narrowly tailored" to address the need presented.

The demand for a "narrowly tailored" relationship is the jurisprudential way of expressing a deep moral truth: the remedy must fit the wrong, the instrument its object. If we aim to give redress, what we do must compensate in appropriate form and degree for the injury suffered, and must compensate those persons who suffered that injury and not some other set of persons who may happen to share their skin color. Similarly, when an instrument using suspect classifications is defended as essential for some state purpose, there must be a close fit between that response and the need to which it is a response.

That suitability—of the device to the need it claims to answer—is what the universities cannot

[9] Of the two principles it might even be argued that diversity is the broader, since it applies to everyone and not to minorities alone and since, unlike compensation, it can never be completed. But that, too, would be sophistical.

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provide for diversity. If, for example, the alleged need of the Michigan law school is a "critical mass" of minority students, a preferential system can meet that need in a narrowly tailored way only if it is known how many minority students constitute a critical mass—a number the University of Michigan claims cannot be ascertained. But if the number cannot be known, it is plainly impossible to say that any given system closely meets the need. Again, if the alleged need is for diversity of many different kinds and not of race alone (as Justice Powell said emphatically), admissions devices like those at Michigan that give automatic preference to three specific minorities cannot possibly be tailored to the claimed need. So, even if diversity were found to have satisfied the first prong of the strict-scrutiny standard, it probably could never satisfy the second.[10]

Nor is that the last of the problems confronted by this alleged justification of racial preferences. Suppose that the compelling need for diversity really were good law, and might even protect the wholesale incorporation of racial preferences in the Michigan style. Even so, all we would know is that diversity *can* serve as the needed compelling interest in some context; whether it *does* so serve would still remain to be shown.

In the two Michigan cases, the university assumed the authority of the diversity rationale and then went on to compile what it took to be the evidence showing that the work of the university depends critically upon ethnic diversity. As one might expect, Judge Duggan made much of this evidence. (Obviously, it would not have to be considered by Judge Friedman or by anyone else who denies that diversity could serve as a compelling need in the first place.) But the same evidence has also been given very careful scrutiny by outside observers.

Two teams—Robert Lerner and Althea Nagai of the Center for Equal Opportunity in Washington, D.C., and Thomas Wood and Malcolm Sherman of the National Association of Scholars—have produced full-length books on the question, and others have analyzed the data more concisely. The Wood/Sherman treatise—a lengthy and refined exploration of what is known in this sphere, including a re-examination of the database used by the University of Michigan—concludes that, as an empirical claim, the university's argument simply fails; careful analysis does *not* support the conclusion that campus racial diversity is correlated with positive educational outcomes.[11] And the Lerner/Nagai treatise—an extraordinarily detailed and meticulous look at the methods and claimed results of the university's chief witness, the psychologist Patricia Gurin—tears her study to shreds.[12]

Taken together, these two critiques of the empirical claims made by the University of Michigan are devastating. What they indicate is that even if the *possible* use of the diversity rationale could be established, its use will not succeed in the actual circumstances.

A BRIEF look at what lies ahead: the two Michigan cases will very probably be consolidated into one by the Sixth Circuit court of appeals in Cincinnati, but are not likely to be argued until later in the autumn. A decision by a three-judge panel of that court will probably be issued in early 2002. Whatever the decision of the panel, it will almost certainly be appealed to the full circuit court; although such appeals are rarely granted, the process may consume many months. And no matter what the final outcome in that process, an appeal by the losing side to the U.S. Supreme Court will assuredly follow.

That the Supreme Court will eventually take the case is very probable. For one thing, the Court sees itself as having the task of clarifying the law where decisions in the courts below it are in conflict. In this sphere, ever since *Bakke*, such conflicts have been many. Two opportunities to resolve these conflicts—a Ninth Circuit decision upholding preferences, and a Fifth Circuit decision condemning them—have been declined by the Court in recent months, probably because each had technical aspects that rendered it not wholly suitable for the purpose.

The Michigan cases, by contrast, provide an ideal vehicle for a restatement of the law. The conflict between *Gratz* and *Grutter* is fruitfully sharp, and the full record in the two cases provides a well-documented factual setting. The degree of preference given at Michigan, the ways it has been given, and the statistical outcomes in the admissions process are well established in both cases, especial-

[10] If the university does fail to show a close fit between object and instrument, the appeals court may find it convenient to reject preferences on that ground alone, leaving for the Supreme Court the question of whether diversity can ever be the compelling need that justifies racial preferences.

[11] Thomas E. Wood and Malcolm J. Sherman, *Race and Higher Education: Why Justice Powell's Diversity Rationale for Racial Preferences in Higher Education Must Be Rejected*, National Association of Scholars, available online at www.nas.org.

[12] Robert Lerner and Althea K. Nagai, *A Critique of the Expert Report of Patricia Gurin in* Gratz *v.* Bollinger, Center for Equal Opportunity, available online at www.ceousa.org.

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ly that of the law school. The intent of the university to give racial preference is undisputed, and the university is ready to defend its practices openly. The facts and the arguments are all on the table. Even if the decision of the Sixth Circuit were agreeable to the Supreme Court, the Justices are likely to want their imprimatur on the outcome. The issue is ripe for final resolution.

Finally, we know that several members of the Court feel very strongly—it would not be an exaggeration to say passionately—that racial preferences violate the Constitution, and are offended by the widespread defiance of Title VI of the Civil Rights Act of 1964, which outlaws such preferences (by institutions receiving federal money) in the plainest language. Indeed, all five of the more conservative Justices—William Rehnquist, Anthony Kennedy, Sandra Day O'Connor, Antonin Scalia, and Clarence Thomas—have made very clear their opposition to the sort of "affirmative action" now practiced by Michigan and other public universities, and four of them have made explicit, too, their common belief that diversity cannot serve as a justification for preferences. In a 1990 broadcasting case that involved racial preferences given by the FCC, Justice O'Connor, writing for herself, Justices Kennedy and Scalia, and Chief Justice Rehnquist, put the matter bluntly:

> Modern equal protection has recognized only one [compelling state] interest: remedying the effects of [identified] racial discrimination. The interest in increasing the diversity of broadcast viewpoints is clearly not a compelling interest. It is simply too amorphous, too insubstantial, and too unrelated to any legitimate basis for employing racial classifications.

Four votes are needed for the Supreme Court to accept any case. That there will be five votes to accept these Michigan cases seems very probable; I reckon they rest in palms already sweating in anticipation. And we may also find principled opposition to the diversity rationale for preferences among the other four Justices as well. Justice Stevens, after all, was the author of the opinion in *Bakke* that found the University of California's preferences to be a violation of Title VI. For Justices Stephen Breyer and David Souter, the principle of equal treatment under the law carries awesome authority. And Justice Ruth Bader Ginsburg was general counsel of the American Civil Liberties Union in the days when—as I can testify personally—the defense of equal treatment under the law was very high on that organization's agenda. The position of any one of these four cannot be confidently predicted.

I conclude on another personal note: every catalogue of the University of Michigan, on whose faculty I have served proudly for 46 years, carries a formal notice that the university

> is committed to a policy of non-discrimination and equal opportunity for all persons regardless of race, sex, color, religion, creed, national origin, or ancestry . . . in employment, educational programs and activities, and admissions.

Although I have been openly critical of its racially distorted admissions policies, I am deeply devoted to the University of Michigan, and I look forward to the day when that formal statement can be published without embarrassment. And what goes for Michigan goes for all the other universities whose long-successful efforts to hide racial preferences behind the appeal of the phrase "affirmative action" have finally been exposed.

Legislators have feared to deal with this topic, but most would find the outright support of preferential systems to be politically damaging. As for the public, it has made its overwhelming opposition to such systems plain at every opportunity offered by referendum. Now the courts, confronting university ethnic preferences at last, may decide they can be tolerated no longer. Let us pray that is so.

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From Bauhaus to Bilbao

Michael J. Lewis

For a museum, nothing is more difficult to exhibit than architecture. Unless you can haul in the buildings themselves, you have to make do with surrogates—photographs, drawings, and models—none of which possesses the scale or tangible presence of the genuine article, let alone the spatial quality that most distinguishes architecture from all other arts. At worst, you end up with an exhibit of graphic art that happens to have architecture as its subject.

But there is no need to settle for the worst. In an intelligent exhibition, sketches and models, arranged in sequence, can illustrate the grand affair of architectural design, that process through which program, site, and budget are ordered and resolved into a unique arrangement of forms and volumes. And at its best, such an exhibit can even depict something weightier than mere architecture—namely, architectural thought.

The character of that thought is, in any one architect, as distinctive as a fingerprint. That, at least, is the lesson of a spate of recent architectural exhibitions, two of them devoted to Mies van der Rohe and one each to the contemporary architects Robert Venturi and Frank Gehry. The fact that these three men are identified, respectively, with modernism, postmodernism, and deconstruction—that is, with the principal movement of 20th-century architecture and its two recent offshoots—means that the exhibitions also offer an architectural history of the last century. As it happens, it is a rather tragic history—the story, above all, of the formation and the subsequent shattering of a noble undertaking in the field of art.

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While the modern movement that formed in Europe in the first three decades of the 20th century meant different things in different genres—in painting, non-objectivity and abstraction; in music, atonality and serial composition—certain tenets were common to all. Most crucial was the notion that modern life had been so thoroughly transformed by technology and social change as to demand a radically different art. What was required was no mere elaboration or incremental development of past models, but a complete and absolute break.

In architecture, this involved the total rejection of historical form, especially the flitting revivalism that characterized Victorian architecture. No concession to historical convention would be permitted; instead, flat roofs, sheer wall surfaces, and ribbon windows of glass would testify to the facts of modern construction in steel or concrete. This modernist style, devised in France, Germany, and Holland, and subsequently imported to the United States, was dubbed the International Style in recognition not only of its cosmopoli-

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tan history but of its claim to universal applicability.

In this story, Mies van der Rohe occupies an exalted role. Aloof, austere, and saturated with high moral seriousness, Mies has come to stand for modernism in its elemental form. His hallmark is the exquisite refinement of details—joints, corners, profiles—which he raised to a kind of crystalline perfection. Indeed, it was revulsion against this cold, formal poetry that would set in motion the architectural reaction that has now been under way longer than the heyday of modernism itself.

The son of a stone carver, Ludwig Mies van der Rohe (1886-1969) was born in Aachen, Germany and studied architecture under provincial teachers. At an early age he moved to Berlin, where he worked in the office of Peter Behrens, then a clearinghouse for young modernists including Walter Gropius and Le Corbusier. Mies was no youthful firebrand, however: his early work consisted of tasteful classical or neovernacular revivals, in a spirit of modest reform.

After World War I, when he came under the influence of Berlin's avant-garde culture, Mies's work turned more radical. Now came the first purely theoretical projects, including an office building of concrete and a skyscraper entirely of glass, shorn of all historical reference, their architectural character derived from the abstract properties of the materials. This process was consummated in his celebrated Barcelona Pavilion of 1928-29, whose flowing envelope of space was defined not by solid walls but by means as spare as hand gestures: planes of colored glass, thin slivers of marble and travertine, a few chrome columns.

In 1930, Mies became the director of the Bauhaus, the school of design founded by Gropius a decade earlier, and served until its dissolution in 1933 shortly after Hitler came to power. After several years of struggling to find work under the new regime, he was recruited by the Armour Institute of Technology (later the Illinois Institute of Technology, or IIT) to become its director of architecture. In 1938 he emigrated to the United States, where, under radically changed circumstances, a second career unfolded. A man who had worked for both Communists and Nazis now bent his steel and glass abstractions to the demands of corporate advertising, most famously in his Seagram Building on New York's Park Avenue, the quintessential skyscraper of the International Style.

In the two current exhibitions dedicated to his work, Mies's two distinct careers are divided between the Museum of Modern Art and the Whitney Museum of American Art, the former giving us *Mies in Berlin*[1] and the latter *Mies in America*.[2] Of the two, Mies in Berlin cannot help being fresher, since it is the first systematic and disinterested look at the architectural culture out of which Mies emerged. In his day, Wilhelmine Berlin, formerly the capital of Prussia and now the newly minted national capital, was still staggering under the weight of a bombastic neo-Baroque style and grasping at various reform movements, from English Arts & Crafts to Prussia's own tradition of sober, cool classicism. Mies dabbled at each of these, taking inspiration especially from Karl Friedrich Schinkel, a versatile and elegant neoclassicist who was then undergoing a revival.

Mies in Berlin retrieves this early period from considerable myth-making and censorship, above all by Mies himself, who pruned his résumé of his early stylistic fumbling. This included several highly conventional villas, which Mies could evidently still churn out after the war even as he toiled over his great vitreous abstractions. But it is the latter that dominate the show, thanks in large part to their presentation in large, striking photomontages prepared at the time by Mies himself. Disdainful of the lavish renderings turned out by pupils at the French Ecole des Beaux Arts, laboring for weeks over their ink washes, Mies would align a perspective rendering over a photograph of the site and then re-photograph the whole to produce a seamless black and white image that emphasized the prismatic quality of his projects. The finest of these, such as one of a looming skyscraper on Berlin's Friedrichstrasse, bear comparison with the American Hugh Ferriss's contemporaneous renderings of Manhattan's faceted towers.

An exception to Mies's contempt for lushness was an early project for a memorial to Bismarck (1910). This envisaged a massive terrace overlooking the Rhine and supporting a court that was to be enclosed by a stern classical colonnade but open to the sky. At the end of the terrace was a semicircular apse, perched at the brink of the site and containing the statue of the Iron Chancellor. In its blocky and reductive classicism, the design could easily have been the work of Hitler's architect, Albert Speer.

The comparison with Speer is not gratuitous. When Hitler came to power, Mies entered several competitions—one at the express invitation of the German

[1] *Mies in Berlin* opened at the Museum of Modern Art on June 21 and will be on view until September 11. A catalogue by Terence Riley and Barry Bergdoll has been published by the Museum of Modern Art (592 pp., $70.00 cloth, $35.00 paper).

[2] *Mies in America* opened at the Whitney Museum of American Art on June 21 and will be on view until September 23. A catalogue of the exhibition, edited by Phyllis Lambert, has been published by Harry N. Abrams (799 pp., $75.00 cloth, $49.95 paper).

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government. His designs, with their eagles and swastikas, are the most startling in the exhibition—especially since this is the same Mies who, shortly before, had built a monument (demolished even as he was angling for commissions from the new government) to Karl Liebknecht, Rosa Luxemburg, and the 1918 Communist uprising they had led in Berlin.

That Mies hoped for governmental—that is, Nazi—patronage is hardly surprising. There was a long tradition in Germany, especially Prussia, of the state acting as an agent rather than the foe of modernization. Prussia was deeply conscious of its industrial and cultural backwardness, the lingering result of the depredations of the Thirty Years War and a feudal past. Modern industrial England was the model it sought to emulate; Schinkel was sent there in the 1820's to study its factories and internal improvements, and Hermann Muthesius would be sent at the turn of the century to study its architecture and housing. Mies was hardly the only one who mistakenly hoped that the Nazis would follow this pattern of progressive authoritarianism. (But here the MoMA exhibit,, insatiably curious about other Mies minutiae, falls unconscionably silent.)

FOR MIES'S life after his 1938 emigration we turn to *Mies in America*. This is a more familiar story, although told in considerably richer detail than in previous Mies exhibitions (at MoMA) in 1947 and 1986. The curator, Phyllis Lambert, is herself a central figure in the Mies story, for it was she who in 1954 convinced her father, Samuel Bronfman, the president of Seagram's, to commission their New York office building from Mies, then her teacher of architecture. And surely it is Lambert's training as an architect that keeps the focus firmly on the actual design of the buildings.

This is appropriate, for in the final three decades of Mies's life he pursued the development of his architectural language with unblinking single-mindedness. IIT, whose new campus he was asked to design, and for which he conceived 28 buildings between 1941 and 1956, offered an ideal laboratory. No longer concerned with inventing new forms—increasingly, he contented himself with simple parallelograms—he addressed the steel frame itself, asking how its formal expression could be perfected.

In this struggle to perfect a formal type, Mies's work recalls nothing so much as the development of the Greek Doric temple (a comparison he appreciated), whose form was likewise the result of continuous and minuscule improvements conducted within the narrowest of compasses. And just as the decorative elements of a Greek temple are, ultimately, structural in origin, so Mies insisted on proclaiming the internal structure of his buildings.

This was not always a straightforward exercise. Where, for example, local regulations demanded that structural beams be encased in concrete as a protection against fire, he would affix an additional set of I-beams to the skin of the building to serve as window mullions. (In the Seagram Building, where they are of bronze, the beams are exceptionally lovely.) Since they do not actually carry the building, these elements are not literally "true," but they were intended to express a higher truth, making the hidden engineering comprehensible to the viewer and establishing a rhythmic order that is the essence of every framed building.

Mies's Parthenon, as it were, was his last work, the National Gallery in Berlin (1962-66). There the physical structure receded to the point of maximum reticence: a great cantilevered roof hovering above an absolutely unbroken span, ostensibly carried on its continuous glass walls and on a pair of slim beams on each of the four sides. Alas, however, the great drama of Mies's late work is not of the pictorial sort. The assembled array of sketches and perspective studies for the IIT buildings—many in faint pencil at the lower threshold of visibility—is the sort of demanding material that modern curators toss out at the first chance, or consign to the catalogue. Its inclusion here is clearly the mark of Phyllis Lambert, who is famous for the intellectually rigorous exhibitions at the Canadian Centre for Architecture, which she founded.

To compensate for these arid passages, the exhibition offers some splendid models, including a spectacular one of the National Gallery, displayed under subdued lighting as if it were a relic in a sacristy. There is also a wonderfully lucid model of Mies's evolving treatment of the curtain wall, showing in three comparative examples how he extricated the glazing from its structural skeleton. The only distracting note is the constant projection of films interpreting Mies's buildings, which loom intrusively over difficult drawings that require close concentration.

TAKEN TOGETHER, and in spite of the distractions, these two Mies exhibitions show high modernism at its best, its lofty aspirations still intact, unsullied by imitation or the inevitable indignities that afflict all flat-roofed and cornice-free buildings that are left to stand out in the rain. If this sort of modernism occasionally seems inhuman in its ruthless quest for purity, it is also refreshingly free of the cynicism and irony that taint so much of contemporary culture, architectural culture included.

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Which brings us to Robert Venturi. Precisely the quality that makes Mies so difficult to exhibit makes Venturi the most congenial of museum subjects. His strong graphic sense and his facility at jaunty renderings were amply displayed in *Out of the Ordinary*, at the Philadelphia Museum of Art.[3] Here his strong freehand drawings, invariably done in a thick black line on yellow tracing paper, fairly quivered on the wall. It was especially instructive to see this exhibition after the Mies, an experience that in its own way re-created the heady sense of liberation produced by Venturi's *Complexity and Contradiction in Architecture* (1966), the most effective and enduring assault on Mies's haughty modernism.

Venturi was neatly perched to challenge the International Style. He was born in 1925 in Philadelphia, and there—following an education at Princeton—his practice has always been located. If the International Style was predicated on claims of general and universal validity, here was a city that was defiantly specific: diminutive brick houses, a prim 17th-century street plan, and an abiding Quaker prejudice against display and opulence.

Working within the constraints of his native city (whose character he appreciated all the more after a fellowship in Rome from 1954 to 1956), Venturi came to stress *context*, the doctrine that a building should take notice of the scale and character of its neighbors. A platitude today, this notion was rather radical at a moment when the same glass and chrome pavilion might serve as a school in Alaska or an embassy in equatorial Africa.

Complexity and Contradiction—the very title was a rebuke to Mies and the Euclidian simplicity he espoused—is a curious book. Published when the teaching of history had been all but banished from architectural education, it offered a veritable parade of examples from the past, assembled to show that Venturi's architectural ideals—contradiction, ambiguity, elements with multiple functions—were respected in nearly every age and culture: everywhere, that is, except in the modern, Miesian world. On the other hand, the book was also weirdly indifferent to the past, mustering its examples thematically and without reference to chronology or style. This made for some striking juxtapositions: an Egyptian temple and a Renaissance church in Peru, an open-air theater by Alvar Aalto and a 17th-century wooden synagogue in Poland. About the values or beliefs that these buildings embodied, however, or the spiritual or social need that brought them forth, nothing was said. In his own way, Venturi was as ahistorical as Mies.

The book was an international sensation, swiftly appearing in sixteen languages. Its emphasis on context, and its permissive approach to the reuse of historical motifs, proved the impetus for a postmodernist movement in architecture, one that soon gathered up the strands of various attacks on modernism and became the dominant alternative. In the 1970's, the movement became international in scope. At last even Philip Johnson, Mies's first American champion and his collaborator on the Seagram Building, joined in the fun, placing a giddy broken pediment atop his AT&T Building in Manhattan.

In fields other than architecture, postmodernism is generally (and accurately) thought of as a movement of the Left. Its hallmark, most notably in literature, has been an implacable hostility to formalism—the doctrine that a work of art is properly judged by reference to its intrinsic properties, such as structure and form. Instead, postmodern critics routinely make judgments by criteria extrinsic to the work in question, especially political ones.

But in architecture, strangely enough, postmodernism came to be seen as a movement of the Right. Its most conspicuous monuments were the vivid commercial towers erected during the building boom of the 1980's and characterized by compulsory red granite stripes and giant columns that would have looked overscaled on the Acropolis. As the style came to be seen as a physical manifestation of an alleged "decade of greed," postmodernism itself became something of a dirty word in schools of architecture. Venturi, anxious to dissociate himself from a now-suspect term, seems to have succeeded in banishing it from both exhibition and catalogue.

Out of the Ordinary lacked the urgent tempo of the two Mies exhibitions. After the establishment of Venturi's characteristic language in the early 1960's, there has been no deliberate process of evolution in his career; nor could there have been, for this is an architect who takes his cues from the specifics of site and program. Instead, the exhibition stressed the variety and scope of Venturi's work, including his early Mother's House (1959-64), Wu Hall at Princeton University (1980-83), and the controversial Sainsbury Wing of the National Gallery in London (1985-91). Each was represented by drawings and models, including a full-scale model of the façade of Mother's House.

[3] *Out of the Ordinary: Robert Venturi, Denise Scott Brown & Associates* opened at the Philadelphia Museum of Art on June 10 and was on view until August 5. A catalogue by David B. Brownlee, David G. DeLong, and Kathryn B. Hiesinger has been published by the Philadelphia Museum of Art and Yale University Press (277 pp., $60.00 cloth, $36.00 paper).

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Taken as a whole, Venturi's work is strikingly decorative in character, with none of Mies's fixation on structural innovation—as if the task of an architect were simply to place a pleasing and organized cladding over the frame provided by the builder. Venturi has frankly acknowledged this. In a celebrated 1970 essay, he divided all of architecture into two comprehensive categories: buildings whose meaning is carried by an expressively emblematic shape and buildings that are mere boxes, deriving their meaning from whatever ornament is draped upon their walls. The former type he termed a "duck"—referring to a particularly inane Long Island fast-food stand in that precise form—and the latter a "decorated shed," the humble category that subsumes most architecture and in which he was happy to work.

These wry terms, refreshing in their blunt plainness, could not have contrasted more strongly with Mies's heroic seriousness. But, just as in Mies, they were meant to convey the sense that the architect had confronted certain objective facts about the contemporary world and that his ultimate path was in some sense historically inevitable. For Venturi, the objective facts were that modern construction tended toward thin planar walls, and that modern society demanded vital and familiar symbols.

Here was the origin of the emphatically two-dimensional quality that clings to and diminishes all of Venturi's work. Rather than exhibiting the strengths of sculpture (weight, texture, corporeality), it exhibits the weaknesses of graphic design (thinness, indifference to materials, and a tendency to caricature). In the context of a museum show, to be sure, graphic simplification and eye-catching exaggeration are themselves strengths, just as they are in the visual disorder of the modern city or highway strip. All this accounts for the undoubted success of Venturi and his imitators, who created so much of the rollicking architecture of the last generation. But it also accounts for the general lowering of architectural aspirations with which they are also rightly associated.

Postmodernism began with a promise to restore humanist values to architecture, to make buildings communicate to the public in tones more varied than a prolonged *om*, and to reconnect architecture to the great continuities of Western tradition. In the end, however, the past has turned out to be nothing but a great rummage sale of reusable forms, detached from their original owners and purposes. Nor is Venturi's self-conscious celebration of popular imagery (the theme of his second book, *Learning from Las Vegas*, 1972) free of a certain note of mere cynicism. In a snide gesture that went decidedly unappreciated by his clients, Venturi hoisted an oversized metal television antenna over the Guild House, a retirement complex he built in Philadelphia, to signify to the world how the elderly "spend so much time looking at TV." In this way and others, the rise and fall of architectural postmodernism hides the story of a larger cultural disorder.

IN THE final room of the Venturi exhibition, an item of faux graffiti insists that he is "naughty" rather than "nutty," "mannerist" rather than "expressionist," and that he believes in making "buildings that look like buildings." All this is seemingly meant to refer, invidiously, to Frank Gehry, the subject of the fourth major exhibition this year and the architect of the Guggenheim Museum in Bilbao, the most trumpeted building of the moment.[4]

Something of a late bloomer (he is only four years younger than Venturi), the California-based Gehry spent his early career as a Miesian modernist, an aspect of his career that the show discreetly omitted just as exhibitions of Mies once shunned his nonmodernist work. But in 1977, in an act that won him instant notoriety, he remodeled his house in Santa Monica, a modest bungalow that he sliced, dissected, and encased with low-budget materials—most famously, plywood and chain-link fencing—thereby turning it into an anarchic hodge-podge bristling like a Constructivist collage.

The stylistic movement that Gehry's house helped launch came to be called deconstruction. This was in part because of the literal fragmentation it espoused, and in part because its challenging attitude suggested the French philosophical fad of the same name. But while a few architectural deconstructionists, like Peter Eisenman, actually seem to have read some Continental philosophy, Gehry's architecture remained thoroughly Californian in its lightness and essential whimsicality.

As often happens, the avant-garde maverick rapidly became an establishment darling. Within a few years, Gehry's newfound celebrity and evident eagerness to shock brought him commissions for museums, office buildings, and factories (especially, if unaccountably, in Germany). As his budgets increased, the chain-link fencing and plywood vanished, but the jury-rigged quality remained. By the end of the 1980's, he had devised an entirely new architectural language in which trapezoidal and curving elements were assembled in a writhing mass, re-

[4] *Frank Gehry, Architect* opened at the Guggenheim Museum on May 18 and was on view until August 26. The catalogue, edited by J. Fiona Ragheb, has been published by the Guggenheim Museum (390 pp., $75.00 cloth, $45.00 paper).

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sulting in a jumbled structure that seemed calculated by an engineer acquainted only with non-Euclidean geometry (though actually made possible through modern computer technology). It was this fluttering architecture, its separate elements billowing like sails in a tempest, that was chosen for the Guggenheim Museum in Bilbao (1991-97).

So thoroughly plastic an architecture relies on an intense use of models. These were at the heart of *Frank Gehry, Architect*. Some 600 or so examples were assembled, including several enormous presentation models that were themselves minor technical achievements. The most striking, however, were Gehry's hasty three-dimensional sketches, as slapdash as his house, consisting of crumpled tissues and bits of paper folded and taped in place in a process very nearly the sculptural equivalent of automatic writing.

All this would have been much more charming were it not for the aura of self-promotion that wafted through the show. Its raison d'être was the proposed new Guggenheim Museum, a close paraphrase of Bilbao, intended for lower Manhattan. A staggering model of this building opened the exhibition (just as the models for Bilbao closed it), and what it made clear was that this building, if carried through to completion, will be one of the most serious single interventions in the physical form of New York—a Leviathan on the East River on the order of the Empire State Building or the Brooklyn Bridge, which it would dwarf.

And that, of course, is the point, as well as perhaps the least attractive element of Gehry's often frolicsome buildings. Like so much else in contemporary California, his architecture responds to the needs of the roadside; it is not an architecture that observes the covenant of the street, that respects context and continuity, or that acknowledges the presence and worth of neighbors. To the contrary, it is redolent of the hedonistic and self-centered individualism that can be pursued only on a large enclosed lot with one's neighbors held at arm's length. In short, it is a suburban architecture, not an urban one.

Something must be said about the catalogues to these four exhibitions, which together represent the state of the art of contemporary museum publications. Each is a lumbering object, outfitted with a sumptuous portfolio of visual material superbly reproduced. The texts, though, are another matter. Except for *Out of the Ordinary*, which attempts to recapitulate Venturi's career, each contains a grab-bag of scholarly essays that tend to flit around the periphery of the exhibition while leaving a void at the center. *Mies in Berlin*, for example, says virtually nothing about his fateful directorship of the Bauhaus. Phyllis Lambert's essay in *Mies in America* is quite thorough and useful, by far the most valuable item in the catalogue, but it is offset by several turgid pieces by contemporary architects and theorists that verge on the unreadable. (In one of them the author complains, evidently in all seriousness, that his own essay is "much too undialectical.") Nor does any of the catalogues provide a reliable record of what was exhibited.

As for the four shows themselves (all of which are or will be traveling to different cities), they cast a melancholy light on the fate of modernism. Biographical exhibitions inevitably trace a positive arc, telling a story of unfolding powers and widening scope. By nature they are optimistic. And taken one by one, as self-contained case studies, this fine quartet of exhibitions depicts the architecture of the last century in the most positive light imaginable: as an untroubled march of heroic form-givers, stocking the world with polished vignettes of genius.

The casual viewer might be pardoned for thinking that nothing went wrong in that century. But war, revolution, loss of cultural confidence—harvested in full and tragic measure—eventually leave their mark on architecture, too, if only indirectly. For architecture is a social artifact, and cannot help reflecting the civilization that made it. To look at these celebratory exhibitions in this light is rather sobering, for it is difficult not to read them as four celebrations on a downward-descending line.

The quality in the work of Mies that today seems most remote is its pervading sense of responsibility—the responsibility of a generation that, putting every particle of received wisdom to the test, took upon itself the task of re-creating all of architecture as part of the task of reconstructing society itself. If it went about its tradition-toppling work with a certain glee, this was to be expected in Europe after World War I, when civilization itself seemed in some fundamental way discredited.

Venturi and Gehry are untroubled by the impulse to heal a fractured culture. This is their charm, as it is the charm of a civilization that values novelty and arresting imagery, is hesitant about its deeper values and susceptible to the allure of celebrity. No one has made wittier entertainment pavilions or more eye-popping retail outlets than these two. But do not ask them for a courthouse, or a cathedral, or, despite all their undoubted cleverness, to do what Mies and others did routinely and honestly, namely, make buildings that speak of a higher purpose and that acknowledge the tragic nature of life.

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Wronging Microsoft

Edward Rothstein

IMAGINE A corporation whose ambitions are unbounded and whose main product seems indispensable. Imagine that it has threatened to withhold this product in order to impose its will on competitors and manufacturers who require it. Imagine that it has in its coffers $30 billion in cash, and that its profits in one recent year came to almost $8 billion. And now imagine that this company has provoked so much hostility in its industry that it is regularly referred to as the "Evil Empire," and that one competitor has spent $3 million lobbying the U.S. Department of Justice to take action against it.

The company, of course, is Microsoft, and in response to that lobbying, and other complaints, the Justice Department did indeed bring an antitrust suit against it in 1998. Last year, after a trial that lasted 76 days and generated 13,466 pages of transcript and 2,695 exhibits, the district court in Washington, D.C., presided over by Judge Thomas Penfield Jackson, ruled that Microsoft, with its Windows program, possessed monopoly power over a particular kind of operating system. (An operating system is the crucial program that controls all of a computer's activities.) Indeed, so unshakably secure was Microsoft's position that, according to Judge Jackson, no competitors were likely to arise in the foreseeable future. In protecting and expanding this monopoly, the company had been, he said, "untrustworthy," "disingenuous," "oppressive," and "predacious," and had done "violence" to the creative process. For thus violating the Sherman Antitrust Act, Microsoft would be broken up, split into two separate companies.

This past June, an appellate court reviewed Judge Jackson's harsh conclusions. In a decision hailed by Microsoft and accepted by most of the news media as a setback for the Justice Department, the court rejected the proposed "remedy," declared one of the major accusations unproved, and attacked Judge Jackson for holding confidential press interviews during the trial in which he had likened Microsoft to drug traffickers and "gangland killers"; in so doing, the appellate court declared, the judge had violated the judicial code of conduct in ways that were "deliberate, repeated, egregious, and flagrant."

Initial impressions notwithstanding, however, the appellate court's decision was hardly good news for Microsoft. The court refrained from challenging most of Judge Jackson's "findings of fact"; it found the company to be in possession of monopoly power; and it declared Microsoft guilty of maintaining that power by anticompetitive means. As of now, it is unclear whether some settlement will be reached, or whether a lower court, in order to determine appropriate "remedies," will conduct the full "evidentiary hearings" that Judge Jackson

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dispensed with, or whether the case will be decided by the Supreme Court. But neither a settlement nor any future judgment is likely to call into question the assertion that Microsoft is a monopoly or even remotely to challenge the findings of fact. Any compromises and penalties demanded of the company are bound to be substantial.

Have we, then, arrived at a just conclusion? Not in the least. Despite everything we have learned through two stages of adjudication, this case remains one that, in my view, should never have been brought at all. Moreover, I believe that the Justice Department and the eighteen state attorney generals who remain committed to the case seriously misjudged the nature of the technological landscape and, in the name of protecting competition, acted to inhibit it.

Some of my objections have been raised by Microsoft in its own defense or have appeared in articles or books; others have not. Under close scrutiny, for example, many of the presumptions of the case seem very peculiar. Antitrust law in the United States, as the company itself has pointed out, is designed to protect *consumers*, not competitors, yet consumers did not seem eager for protection; before the trial began, a *New York Times*/CBS News poll found that only 28 percent of computer users had an unfavorable opinion of Microsoft and a full 77 percent of all Americans believed it made quality products. (Attorney General Janet Reno said at the time that part of the government's job was to "convince people" it was acting in their interest in this case.)

As far as the consumer and the industry are concerned, moreover, market dominance is not necessarily a drawback. In creating a de-facto standard, Microsoft has made computer use easier for consumers and more economical for software developers. Then, too, while Windows is, without question, the most important piece of software in any computer, it accounts for less than 5 percent of the average computer's cost; in fact, the price of Windows today is not significantly higher than the price of earlier versions a decade ago. In addition, the Windows operating system, whatever its flaws, is regularly improved, with new versions leading to faster speeds and more sophisticated applications. In pursuit of such improvements, Microsoft has spent over $5.3 billion on research and development in the last year alone; its latest version, Windows 2000, required 5,000 workers, 500 man-years of testing, and a $2-billion investment.

The polemical drift of these arguments is clear: what sort of monopoly can it be that does not charge too much, keeps bettering its offerings, spurs industry improvements, and devotes substantial resources toward future development of consumer products? But contentions like these made hardly a dent in the courts' thinking, and in what follows I do not mean to address their conclusions exhaustively. Nor do I wish to dwell on the circumstances in which Microsoft may indeed have skirted legality in its negotiations with suppliers and buyers, or to untangle knotty and controversial case law. Rather, I want to challenge two major ideas central to the case: the notion that Microsoft wields significant monopoly power for the foreseeable future, and the idea that in competing against another company (Netscape Communications Corporation), Microsoft was illegally attempting to protect that power.

Both the antitrust case and the findings of the appellate court rely heavily on these two assertions, and both are false.

II

DOES, OR did, Microsoft hold monopoly power? Unless it did, what seemed to the courts like anticompetitive behavior was merely competitive behavior.

The courts considered three major issues in establishing Microsoft's monopoly power.

Defining the relevant market. The courts were very precise. Microsoft Windows was said to hold over 90 percent of one particular market, namely, the market for operating systems used in Intel-compatible PC's (personal desktop computers that evolved out of a design now nearly twenty years old). Other forms of operating systems—such as those used in hand-held computers, Apple Macintoshes, network computers connected to other machines, or "servers" for hosting Internet sites—were judged by the courts to constitute separate markets and thus to offer no competition. This is a necessary distinction, for if the relevant market had been defined as operating systems for all computing devices, Microsoft would be just another player in an actively competitive world.

Barriers to entry. According to Judge Jackson, Windows boasts some 70,000 "applications"—programs, written specifically for it, ranging from word processors to video games. Any operating system is made stronger by the number of its applications—the higher the number, said the courts, the more popular the system will become, and thus the more likely a system will be to preserve its strength by developing still more applications. And

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this in itself constitutes a barrier to competitors trying to enter the market—for who, in a short time, can match such a quantity of offerings? Thus, as the courts reasoned, IBM's operating system, OS/2—once a major competitor to Windows—ended up failing because it could not match Windows' number of applications.

"Switching costs" and "lock-in." Programs for one operating system will not run on another, which means that a consumer wishing to switch to a different operating system will have to purchase all-new software and perhaps even new hardware. Such "switching costs" are high, said the courts, with the consequence that consumers are effectively "locked-in" to Windows.

In sum, Microsoft (in the courts' view) dominates a market the boundaries of which prevent competition from entering and consumers from leaving. This in turn means that, unfettered by competition, Microsoft does not need to succeed on the merits; it can charge a price for Windows higher than if it had to respond to competition.

These contentions have a certain truth to them, but a much larger modicum of untruth. Nor, separately or together, do they establish monopoly power. As the history of operating systems shows, the relevant markets are permeable and promise to remain so; the success of an operating system is due not to the absolute number of applications it supports but to the design of a handful of its *essential* applications; and consumers willingly undertake to pay "switching costs" when major improvements are offered.

A little over two decades ago, the entire computer arena was dominated by IBM and its "mainframes"—large computers sold to institutions and corporations. No one in the mid-1970's would have credited the possibility of a significant consumer market for operating systems alone. But then the world changed, desktop computers began to appear, and IBM, in developing its own such "personal computer" (PC), needed an operating system. Acting on its old understanding, according to which operating systems were mere appendages to the more important hardware, it did not design its own such system but turned to a fledgling company called Microsoft, from which it licensed a program called MS-DOS. IBM's failure to purchase this program outright was perhaps the most significant economic blunder in the history of the industry. The market had shifted, and IBM was caught unawares.

A similar transformation occurred in 1984 when Apple created the Macintosh—the first consumer computer displaying different typefaces on the screen and using images to represent programs. So dramatic were these improvements that they not only helped displace earlier, non-graphic Apple models but lured users away from MS-DOS as well. Until 1990, even though Apple's own market share was small, Microsoft struggled unsuccessfully to compete, its awkward and inadequate designs leading to continual failure.

Then, at last, Microsoft made a breakthrough with Windows 3.0. Black and white monitors were junked, new computers were sold with ever faster processors, and individuals and corporations, far from being "locked-in" by their investments in hardware and software, or being deterred by "switching costs," eagerly welcomed the new technology, spending millions of dollars in the process.

In today's marketplace, the concepts of "lock-in" and "switching costs" apply still less. Given the pace of technological change, computers hardly ever represent a one-time cost, but typically are replaced or upgraded as prices drop and power continuously increases. Judge Jackson in his findings of fact acknowledged that "PC users buy new PC systems relatively frequently," but failed to draw the proper conclusion. A superior piece of software or hardware can quickly displace its rivals; the critical factor is quality.

In 1979, for example, a program called VisiCalc was developed that helped businesses create "spreadsheets," studies of revenues and expenses. It was so powerful that it spurred the sale of PC's themselves, and it became so established that it created an industry of ancillary products. Then it gave way to a superior program, Lotus 1-2-3, which displaced VisiCalc until it, too, was displaced when Microsoft's program, Excel, came on the market and was hailed by reviewers and consumers alike. This is but one example of many; over time, as Stan J. Liebowitz and Stephen E. Margolis show in their recent book, *Winners, Losers, and Microsoft*, Microsoft's market share of products has been strongly correlated to positive reviews of their quality.

SO WHAT about the sheer quantity of applications? In the first place, as Richard B. McKenzie showed in a paper for the Cato Institute last year, the figure of 70,000 seems to refer not to Windows programs but to the total number of programs written for IBM-compatible machines over the last two decades; about 3,000 such programs are currently listed for sale, and only a fraction of those are in use. In the second place, beyond a cer-

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tain point it does not really matter. All that most people require is a basic handful—a selection of professional software and some amusing games. That was what it took to jump-start the Macintosh, Windows 3.0, and even IBM's OS/2. According to the courts, OS/2, which was meant to compete with Windows, failed because it offered only 2,500 applications; but 2,500 applications is more than enough to satisfy anyone but the most obsessive user. OS/2 really failed because of poor marketing, awkward design and installation, and inadequate courting of software developers.

If "switching costs" are unimportant, and the "applications barrier to entry" is low and easily broken down, then there is nothing to prevent competition. As it happens, Microsoft has had quite a bit of it. Does the company possess the power, as the appellate court stated, simply to "stave off even superior new rivals"? Every time Microsoft has had to compete against a superior consumer product, it has not fared well, which is why it has to spend so much on research and development. This has happened with competitors in specific fields—like America On Line (AOL) for Internet service or Quicken for financial software—and there is no reason to believe things are otherwise with operating systems for the average consumer. If varieties of the operating system Linux became easier to install and more consumer-oriented, its 15 million users would multiply significantly.

As Judge Jackson himself asserted, again without acknowledging the significance of what he was saying, "Signs do not indicate large demand for a new Intel-compatible PC operating system." Quite so: Windows stands relatively unchallenged not because of its ruthlessness but because it is both reasonably priced and, for consumer use, superior to anything else on offer.

Finally, Microsoft does not even have the ability, ascribed to it by Judge Jackson, to "set the price of Windows substantially higher than that which would be charged in a competitive market." In the judge's eyes, Microsoft was guilty of charging a "revenue-maximizing price" of $89 for a Windows 98 upgrade when a price of $49 would still have made money. A move like this, which failed to consider prices "charged by other firms in the market," was itself "probative of monopoly power."

How so? All companies are free to charge what they like for premium products, and Microsoft charged a price it believed would be paid. Besides, at the very time the trial was going on, a commercial Internet site was offering a Windows 98 upgrade for $82.95, Apple's Mac OS 9.0 for $86.95, and a commercial version of Linux for up to $61.95. Does this suggest monopolistic pricing?

The truth is that Microsoft has had to *constrain* its pricing in view not just of immediate changes in the market but of future competition. If it charged $1,000 for Windows, there would be a stampede to Apple and systems like Linux. And this is a point with general significance: despite its undoubted power, Microsoft has had to improve and price its products as if it were beset by a large number of competitors; otherwise, it would be left behind just as IBM was left behind in the 1980's. It must act, in other words, in constant awareness of its potential weakness, a weakness that is itself an inherent feature of the unpredictable fluidity of technological innovation.

III

As I have already stipulated, it is unlikely that any appeal to the Supreme Court or any settlement will alter the ruling that Microsoft does indeed possess monopolistic power. Even so, however, Microsoft would be in violation of antitrust law only if it misused that power, by engaging in an illegal form of "exclusionary conduct" to protect or extend that monopoly. This, in fact, was the burden of the accusation that started the case in the first place, an accusation involving what was once called "the browser wars."

A browser is a program used to "access" sites on the Internet. In the early 1990's, there were as many as 50 such programs. Then, in 1994, a company called Netscape Communications developed a new browser, dubbed Navigator, that was substantially better than those previously available. Other companies—Microsoft, Apple, IBM, Sun Microsystems—having already started to plan for the Internet, also soon began to package browsers with new versions of their operating systems.

Microsoft had been characteristically aggressive in developing its own browser, Internet Explorer, which it kept improving while weaving it more and more tightly into Windows. Finally the two products (as the company itself would assert) were made inseparable. This effectively created a massive distribution network—and seemed, indeed, a clear use of monopoly power to win the browser wars. In addition, Microsoft sought to make deals both with computer manufacturers and with on-line services like AOL to offer Internet Explorer with their products, sometimes exclusively, and it prevented manufacturers from deleting Microsoft's browser even when they also installed Netscape's. In

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short, it threw its weight around, sometimes by threatening to withhold its products altogether.

Many of these kinds of dealings, involving discounts, incentives, and exclusive contracts, are common in every industry. In this particular industry, the aggression is virulent, featuring regular commands to "kill" and "choke" competitors. But both before and during the case, Microsoft showed itself willing to compromise in its licensing and deal-making—and in law, as the courts themselves pointed out, these are inherently murky areas, full of counterfactual possibilities and subtle assessments. Still, that did not prevent the judges from reaching the remarkably straightforward conclusions that (a) the success of Internet Explorer had little to do with quality, and (b) Netscape was unfairly prevented from competing.

In 1999, Judge Jackson insisted that there was no "best of breed" in browsers and none was likely to emerge "at any time in the immediate future." As for Netscape's failures, these were laid to the machinations of Microsoft, which hampered Netscape's most economical method of distributing its product. In the unequivocal words of the findings of fact, "Microsoft's campaign succeeded in preventing" Netscape from developing its competitive potential "for several years and perhaps permanently."

None of this is plausible. When Microsoft first introduced Internet Explorer, Navigator was clearly the better product, and the more successful. It was only in 1997, once its browser was widely judged by reviewers and users to equal or surpass Navigator's in quality, that Microsoft began significantly to improve its market share. By the time the judge was presenting his "review," the superiority of Internet Explorer was unquestioned. The design of Internet Explorer also made it easy to be customized by applications companies and by Internet providers like AOL; Navigator was unable to match that flexibility.

Nor is it easy to see how Netscape failed because of Microsoft's actions. Microsoft never even "succeeded in preventing" the *distribution* of Netscape's browser. In 1998, the year the trial began, 160 million copies of Navigator were downloaded from the Internet. The program was also available on 24 percent of all computers sold by manufacturers like Dell and Compaq—the very distribution channel the courts believed Microsoft had closed off with its heavy-handed dealing. In their scrupulous study, *Competing on Internet Time*, Michael A. Cusumano and David B. Yoffie show that what "allowed Microsoft to catch up" in the browser wars was not its misuse of monopoly power but Netscape's incompetence and bad decisions: the company missed deadlines, alienated customers, and failed to create a compelling business model. Netscape's successes were largely unaffected by Microsoft's actions, and its failures were its own to achieve.

Besides, even if Microsoft had not been involved, it was clear to executives at Netscape that they could not rely on Navigator for long-term profits, certainly not in an industry where it was traditional to give browsers away. Long before the trial began, Netscape's business plan had shifted several times; in the end, the company was dependent not on sales of the browser itself but on a website to which each new browser was directed, a site that in mid-1997 was receiving 100 million visits a day and bringing in tens of millions of dollars a year in advertising. And while the trial was still going on, sufficient potential value remained in the company to inspire AOL to pay $4 billion for it.

BUT SUPPOSE I am wrong, and Netscape was indeed pummeled by a monopolist with no claims on product superiority. How was antitrust law violated?

The district court held that the violation lay in Microsoft's attempt to use one monopoly to create another; that is, it tied Internet Explorer to its Windows operating system, and then leveraged Windows to take over the browser market. This was the conclusion the appellate court rejected as unproved. But it left standing the charge that Microsoft engaged in the browser wars in order to protect and maintain its Windows monopoly. Thus, according to the appeals court, the compulsory installation of its browser with Windows "protect[ed] Microsoft's monopoly from the competition." Or again: the integration of the browser into Windows meant that Microsoft was "protecting its operating-system monopoly."

There is an elaborate theory behind this assertion, a theory invoked by the courts to justify many of their rulings in the Microsoft case. That theory is now widely accepted, but deeply flawed. According to it, Netscape was a threat to Windows because its browser, Navigator, could have begun to function as a kind of operating system itself. Other applications would begin to be written for Netscape's program: there might be, say, a Navigator-based word processor, a Navigator-based financial program, and Navigator-based video games. Developers of such applications, moreover, would only need to write their programs once, completely ignoring the operating system underneath; the programs would run anywhere that Netscape was in use.

This, the courts argued, would have had the ef-

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fect of stripping away the advantage Microsoft enjoyed by virtue of the number of applications written specifically for Windows, and would thus lower the "barrier to entry." And therein lay the peril that Microsoft had to meet and crush. Netscape's browser—called a species of "middleware" because it sat between the operating system and scores of usable applications—was, in Judge Jackson's opinion, the "Trojan horse" that "threatened to demolish Microsoft's monopoly power."

Microsoft did not completely discourage the court's theory. In May 1995, Bill Gates himself had described Netscape as a "competitor" pursuing a strategy that would weaken Windows, and in the trial Microsoft referred to that threat in order to demonstrate that it had significant competition. And there were some at Netscape who felt they had indeed zeroed in on Windows itself as a target. But in actuality, the chances of Navigator's making good on this threat were minuscule.

There is still not a single example of an important application written for Navigator, and no evidence of one's having been on the horizon. Even Judge Jackson said "it remain[ed] to be seen" whether major applications would develop. It is highly unlikely that any browser, even one significantly more sophisticated than Navigator, could easily support so many different applications and take on the many functions of an operating system, a significantly more complicated and demanding piece of software.

By focusing on this theory, in any case, both courts ignored the most important aspect of the browser wars—and the real reason why Microsoft competed with Navigator so urgently and aggressively. That reason was the Internet. Although Judge Jackson did mention the "exponential growth of the Internet," he asserted in 1999 that it would have no impact on consumers or operating systems for "the next few years," and went so far as to argue that many consumers would not even want a browser on their computer. These statements were absurd in 1999 and are more absurd now.

Indeed, given the presence of the Internet, it would have been suicidal for Microsoft *not* to have been at work on a browser, and not to market it aggressively as part of its operating system. In 1995, Gates sent a memo to his managers: "In the next twenty years, the improvement in computer power will be outpaced by exponential improvements in communications networks." In the future, as he and every other manufacturer of computers and operating systems recognized, locating a document stored on the Internet, or on a server in Sri Lanka, would be no different from locating a document on one's own hard drive. The computer would no longer stand alone; it would be a networked product, working with other PC's and interacting with them on the Internet. This meant that the operating system would also have to evolve so as to be able to work within those networks.

All this is already taking place. Companies that dominate the market for computer networks—like Sun Microsystems and Oracle—want to extend their dominance into the workings of the PC. So did Netscape, in its case by hoping (according to the courts) to combine a browser with the functionality of an operating system. Microsoft, moving from the other direction, wants to do the same thing, and will do it more effectively in its forthcoming new operating system, Windows XP. If anything, and despite Judge Jackson's odd assertion that there are "no plausible benefits" to such changes, this conjoining of the browser and the operating system will become more complete over time, thereby providing a benefit to consumers that the courts were unable to see—and tried to obstruct.

IV

OF COURSE, the courts could not help acknowledging that the technological marketplace is subject to constant disruption. Judge Jackson, referring to the "dynamic vigorous competition" in the software industry, admitted that "nascent paradigms could oust the PC operating system from its position." The appellate court noted that "In technologically dynamic markets . . . entrenchment may be temporary." Judge Richard A. Posner, who attempted to mediate a settlement of the Microsoft case before a final judgment was reached, went further, raising questions about the very applicability of antitrust law in an economy characterized by such continuous disruption. These observations follow the thinking of the economist Joseph Schumpeter, who in his theory of "creative destruction" argued that displacements of monopoly power are common in innovative industries.

But even as they recognized these key qualities of the technological marketplace, the courts declined to regard them as consequential or even relevant. Such considerations, they said, were for the long term, whereas their own focus was on price constraints in the "near future," or "the next few years." In so saying—and even putting aside the

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question of how they could arrive at the far-reaching decisions they did while admitting that the justifications for them were temporary and limited—the judges revealed, again and again, their obtuseness about technological reality.

The Internet, whose power is here and now, they put off as an issue for the future. The near-future prospect of merging hand-held computers, game systems, and network computers they put off into the distant future. But the idea that Navigator could threaten Windows as "middleware"—a threat for the distant future if ever there was one—they treated as so imminent and perilous that Microsoft, in their reading, violated the law in order to prevent it. Setting the real technological marketplace in amber, the courts conjured up a false one in urgent need of their supervision and control.

Regardless of their decisions, the Internet will soon become even faster and more commonplace than it is now and will be transformed into a medium for television broadcasts, film, and telephone communications. AOL, after its merger with Time Warner, is already a cable and communications giant; telephone companies and cable television companies are becoming Internet providers; game systems are acting like computers and browsers. In ten years, both browsers and operating systems will be nothing like what they are today. But thanks to the grievously anticompetitive actions of the U.S. Department of Justice and two federal courts, it will take us longer to get there, the way will be strewn with more obstacles, and the cost to consumers and taxpayers will be much, much higher than was ever necessary.

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OBSERVATIONS

How Suicide Bombers Are Made

Fiamma Nirenstein

DURING HIS historic visit to Syria last May, Pope John Paul II was unexpectedly upstaged by the country's young new president, Bashar al-Assad. Greeting the pontiff at the airport in Damascus, Assad used the occasion not to declare his own hopes for mutual understanding among the world's great faiths but—rather less in keeping with the spirit of the moment—to mount a vicious attack on the Jews. They have "tried," he inveighed in the presence of the Pope, "to kill the principles of all religions with the same mentality with which they betrayed Jesus Christ," and in "the same way they tried to betray and kill the prophet Muhammad."

So spectacular a venting of hate could hardly pass unnoted, and thus, for the duration of a news cycle, the usual fare of Middle East reporting—rock-throwers and settlers, bombings and retaliatory strikes, ceasefires and "confidence-building" measures—gave way to tongue-clucking over the charged words of the Syrian president. As the *New York Times* lamented, Assad had not only "marred" the Pope's visit but had reinforced his own "growing reputation for irresponsible leadership." So the coverage generally went, admonishing a new leader whose inexperience and immaturity had seemingly led him to embrace, as the *Times* put it, "bigotry."

Largely ignored amid all this was a far bigger story—a story not about a petty tyrant but about the poison that rose so readily to his lips. As few journalists either knew or thought it worthwhile to relate, such sentiments as Assad expressed are hardly uncommon in today's Arab world. Wherever one looks, from Cairo and Gaza to Damascus and Baghdad, from political and religious figures to writers and educators, from lawyers to pop stars, and in every organ of the media, the very people with whom the state of Israel is expected to live in peace have devoted themselves with ever-greater ingenuity to slandering and demonizing the Jewish state, the Jewish people, and Judaism itself—and calling openly for their annihilation. Only by turning a determinedly blind eye to this river of hatred is it possible to be persuaded that, after all, "everybody" in the Middle East really wants the same thing.

THE ANTI-SEMITIC propaganda that circulates in such abundance in the Arab world draws its energy in large part from the technique of the "big lie"—that is, the insistent assertion of outrageous falsehoods about Israel or the Jews, the more outrageous the better. The examples are truly numberless. In Egypt and Jordan, news sources have repeatedly warned that Israel has distributed drug-laced chewing gum and candy, intended (it is said) to kill children and make women sexually corrupt. When foot-and-mouth disease broke out recently among cattle in the Palestinian Authority (PA), the Israelis were quickly accused of intentionally spreading the illness (despite the immediate mobilization of Israeli veterinary groups to treat the animals).

Especially garish have been the fabrications directed at Israel's response to the now year-old *intifada*.

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Earlier this year, at the world economic forum in Davos, Switzerland, a thunderstruck audience heard Yasir Arafat himself declare that Israel was using depleted uranium and nerve gas against Palestinian civilians. Official PA television obligingly furnished "evidence" for this charge, broadcasting scenes of hapless victims racked by vomiting and convulsions. Another recent film clip from Palestinian television offered a "re-enactment" of an assault by the Israeli army on a Palestinian house, culminating in the staged rape and murder of a little girl in front of her horrified parents. As for Israeli victims of Arab terrorists, the PA's Voice of Palestine radio assured its listeners in April that Israel was lying about the assassination of a ten-month-old girl by a Palestinian sniper in Hebron; in fact, the commentator explained, the baby was retarded and had been smothered by her own mother.

The Arab press has also helped itself to the rich trove of classical European anti-Semitism. Outstanding in this regard has been *Al-Ahram*, Egypt's leading government-sponsored daily. One recent series related in great detail how Jews use the blood of Gentiles to make matzah for Passover. Not to be outdone, columnist Mustafa Mahmud informed his readers that, to understand the true intentions of the Jews, one must consult *The Protocols of the Elders of Zion*, in which the leaders of the international Jewish conspiracy acknowledge openly their "limitless ambitions, inexhaustible greed, merciless vengeance, and hatred beyond imagination. . . . Cunning," they allegedly declare, "is our approach, mystery is our way."*

In a class of its own is the effort of Arab and Islamic spokesmen to distort or dismiss the record of Nazi genocide. Indeed, nowhere else in the world is Holocaust denial more warmly or widely espoused. A conference of "scholars" held in Amman in mid-May concluded that the scope of the Nazi war against the Jews had been greatly exaggerated, a claim enthusiastically parroted by the *Jordan Times*. On Palestinian television, Issam Sissalem of the Islamic University of Gaza recently asserted that, far from being extermination camps, Chelmo, Dachau, and Auschwitz were in fact mere "places of disinfection."

On April 13—observed in Israel as Holocaust Remembrance Day—the official Palestinian newspaper *Al-Hayat al-Jadida* featured a column by Hiri Manzour titled "The Fable of the Holocaust." Among his claims: that "the figure of 6 million Jews cremated in the Nazi Auschwitz camps is a lie," promulgated by Jews in order to carry out their "operation of international marketing." A few weeks later, at a well-attended pan-Islamic conference in Teheran, Iran's supreme leader, the Ayatollah Khamenei, used his opening remarks to make a similar point. "There is proof," he declared, "that the Zionists had close ties with the German Nazis, and exaggerated all the data regarding the killing of the Jews . . . as an expedient to attract the solidarity of public opinion and smooth the way for the occupation of Palestine and the justification of Zionist crimes."

Occasionally, to be sure, the same organs of anti-Semitic opinion that deny the Holocaust do find it necessary to affirm that it took place—but only so that they can laud its perpetrators. A columnist in Egypt's government-sponsored *Al-Akhbar* thus expressed his "thanks to Hitler, of blessed memory, who on behalf of the Palestinians took revenge in advance on the most vile criminals on the face of the earth. Still, we do have a complaint against [Hitler], for his revenge on them was not enough."

Another variation on this theme is the now incessant comparison of Israel itself to Hitlerite Germany. In the eyes of *Al-Ahram*, "the atrocities committed by the Israeli army show . . . how those who complain about Nazi practices use the same methods against the Palestinians." For its sister Egyptian paper, *Al-Akhbar*, the ostensibly dovish Israeli foreign minister Shimon Peres is in actuality "a bird of prey, a master in the killing of the innocents," and a man responsible for deeds that "make Israel worse than the Nazis." In May, a columnist for Egypt's *Al-Arabi* wrote, "Zionism is not only another face of Nazism, but rather a double Nazism." Unsurprisingly, President Assad of Syria also favors such language, recently asserting that "Israel is racist, [Prime Minister] Sharon is racist, the Israelis are racist. They are more racist than the Nazis."

THE EFFECT of this relentless vilification is not difficult to discern. In the Arab world, where countervailing sources of information about Jews and the Jewish state are rare to non-existent, Israel has been transformed into little more than a diabolical abstraction, not a country at all but a malignant force embodying every possible negative attribute—aggressor, usurper, sinner, occupier, corrupter, infidel, murderer, barbarian. As for Israelis themselves, they are seen not as citizens, workers, students, or parents but as the uniformed foot soldiers of that same dark force. The uncomplicated sentiment produced by these caricatures is neatly captured by the latest hit song in Cairo, Damascus, and East Jerusalem. Its title: "I Hate Israel."

From such hatred it is but a short step to incitement and acts of violence. Arab schools teach not just that Israel is evil, but that extirpating this evil is the noblest of callings. As a text for Syrian tenth graders puts it, "The logic of justice obligates the application of the single verdict [on the Jews] from which

* These and other translations from the Arab press have been made available by the Middle East Media and Research Institute (MEMRI), whose website is located at www.memri.org.

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there is no escape: namely, that their criminal intentions be turned against them and that they be *exterminated*" (emphasis added). In Gaza and the West Bank, textbooks at every grade level praise the young man who elects to become a *shahid*, a martyr for the cause of Palestine and Islam.

The lessons hardly stop at the classroom door. Palestinian television openly urges children to sacrifice themselves. In one much-aired film clip, an image of twelve-year-old Mohammed al-Dura—the boy killed last September in an exchange of fire between Israeli soldiers and Palestinian gunmen—appears in front of a landscape of paradise, replete with fountains and flowers, beckoning his peers to follow.

In early June, just two weeks after the fatal collapse of a Jerusalem wedding hall, PA television broadcast a sermon by Sheikh Ibrahim Madhi praying that "this oppressive Knesset will [similarly] collapse over the heads of the Jews" and calling down blessings upon "whoever has put a belt of explosives on his body or on his sons and plunged into the midst of the Jews." Slogan-chanting mass demonstrations, with Israeli and American flags aflame and masked gunmen firing shots into the air, reinforce the message. One need look no further to understand how children grow up wanting to be suicide bombers—a pursuit that won a fresh wave of media acclaim after a bombing at a Tel Aviv discothèque took 21 Israeli lives and that according to a recent poll has the approval of over three-quarters of Palestinians. "This missile," wrote an ecstatic Palestinian columnist, meaning the bomber himself, "carried a soul striving for martyrdom, a heart that embraces Palestine, and a body that treads over all the Zionist invaders."

Virulent anti-Semitism is no less essential in maintaining the region's most militant and totalitarian-minded regimes. Such standing as Syria's Bashar Assad now enjoys in the wider Arab world derives in large part from his unceasing denunciations of Israel and the Jews. For his part, Iraq's Saddam Hussein has repeatedly made known his readiness to destroy the "criminal Zionist entity." Should his own efforts not suffice, he has even sought divine aid, ending his speech at the recent Arab summit with the pithy entreaty, "God damn the Jews."

As for "moderates" like King Abdullah of Jordan and President Mubarak of Egypt, offering a wide latitude to anti-Semitic vituperation enables them to demonstrate their own populist bona fides, to show their sympathy with the Arab "street." Do they themselves endorse such views? Of course not, they hasten to declare, disingenuously suggesting that nothing can be done about it since under their regimes even government-owned newspapers and television stations possess the right to speak their mind.

THAT MODERATE Arab leaders have remained mum in the face of rising anti-Semitism may be all too understandable, considering their overall records as statesmen. The West's moral and political leaders should be another matter, but they are not. In the days after Assad's anti-Semitic diatribe in Damascus, one waited in vain for the Pope—the same Pope who has recognized the state of Israel and visited the Holocaust memorial in Jerusalem—to utter a word of protest. The incident was, in many respects, a replay of then-First Lady Hillary Clinton's refusal to confront Suha Arafat when, at an event in Ramallah two years ago, the wife of the PA's president accused Israel of deliberately poisoning Palestinian air and water. And if any of the assembled leaders at the world economic conference in Davos thought to protest Yasir Arafat's lies publicly, their intervention has not been recorded.

One source of the general silence may be a subtle form of racism, or what George W. Bush in another context called "the soft bigotry of low expectations." The Arabs, it is implicitly suggested, are a backward people, not to be held to the civilized standards of the West. In this reading, rabid anti-Semitism is just another feature of Arab culture—the same ancient culture that is often also portrayed, with reason, as one of the world's most civilized and sophisticated.

Many Westerners who fastidiously ignore the Arabs' outrageous lies and insults about Jews also believe that the Arabs do, after all, have a legitimate grievance against Israel, however excessively they may at times express it. Once the substantive demands of the Palestinians or the Syrians are met, this line of thought goes, their hatred of Israel and the Jews will likewise subside, it being just a form of politics by other means. Throughout the Oslo years, the government of Israel itself seemed to share this attitude, systematically ignoring or explaining away the Arabs' unremitting verbal incitement.

But if we have learned nothing else from the latest *intifada*, it is that the Arab world's grievance against Israel has little to do with the minutiae of dividing up territory and political authority. It has to do instead with the entire Zionist project, with the very existence of a Jewish state in the Middle East. What Westerners (including some Israelis) dismiss as so much unfortunate rhetoric is an exact articulation of that grievance, whose goal is not to achieve but to prevent accommodation. For how can one accommodate a people who are nothing but murderers of children, instruments of world conspiracy, sworn enemies of religious and historical truth, and perfecters of Nazi brutality—a people who according to Islamic authorities must be driven out and killed, their body parts "spread all over the trees and electricity poles"? No, anti-Semitism in the Middle East is not just politics by other means; it is an end in itself.

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OBSERVATIONS

Lessons of Kosovo

Gabriel Schoenfeld

A DECADE after the disappearance of the USSR, we seem to be inching toward a debate over the fundamental tenets of U.S. defense policy. Inside and outside the Pentagon, questions have been raised as to whether the American military possesses the capacity to fight and win on the battlefields of the future. These questions about means hinge on still other questions about ends: where, when, and why should the United States become engaged in military action around the world?

Although the discussion is broad-ranging, a not insignificant corner of it is taken up with the lessons that are supposedly to be learned from a particular military experience. Only two years ago, the U.S. fought, and won, a major war in the Balkans. To some participants in today's debate, the fact that Yugoslavia is now a democracy, while its former president, Slobodan Milosevic, is facing trial in the Hague for crimes against humanity, is the direct result of that American action. More, the American victory in Yugoslavia is seen as vindicating the very idea of a new kind of war, "humanitarian" war, in which the U.S. selflessly intervenes to save lives without regard to its national interests narrowly conceived. And this model is urged upon us as a template for the future.

But the story of the Balkan campaign is not so simple. To other observers, including a number of those who took part in the American effort, it ended far more ambiguously than its proponents care to remember, and its aftermath was far from certain or predictable. Not only that, but our conduct of the war disclosed deep-seated problems within America's political and military leadership that cast a cold light on the prospects of success in further such efforts.

Especially useful among a recent spate of documents, monographs, and memoirs is *Waging Modern War*, the newly published memoirs of General Wesley Clark,* who served as the Supreme Allied Commander in Europe during the conflict in Yugoslavia, only to be summarily relieved of his command soon after winning. In what follows I shall be relying heavily on Clark's reconstruction of events, as well as on another recent book, *Winning Ugly*,† an analytical history of the war by two researchers at the Brookings Institution, Ivo Daaldar and Michael O'Hanlon.

IN THE middle of March 1999, Madeleine K. Albright, the American Secretary of State, entered into last-ditch talks with representatives of Slobodan Milosevic in the French village of Rambouillet. At issue was Serbia's increasingly bloody conflict with the ethnic Albanian inhabitants of its province of Kosovo, who—against the backdrop of nearly a decade of intermittent carnage in the Balkans for which Milosevic was largely responsible—were demanding autonomy. When the talks deadlocked, Albright presented the Serbian president with an ultimatum: allow NATO forces into Kosovo and all of Serbia or suffer the consequences. Milosevic demurred, and six days later, on March 24, NATO let loose a fusillade of missiles and bombs against targets across Yugoslavia in what was christened Operation Allied Force.

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* Public Affairs, 479 pp., $30.00.

† Brookings, 343 pp., $26.95.

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The military purpose of this initial salvo was straightforward, and identical to what the U.S. had sought to accomplish eight years earlier in the opening phase of Operation Desert Storm against Iraq: namely, knocking out enemy air defenses in order to gain untrammeled mastery of the skies. In the Serbian case, this involved attacking some 90 targets, a large fraction of them radar stations, that comprised Milosevic's integrated air-defense network. Unlike in Iraq, however, where the air campaign enjoyed considerable success, here, despite directing some 160 cruise missiles and 350 aircraft at the 90 targets, NATO encountered extraordinary difficulties.

Evidently having studied Desert Storm, the Serbs had happened upon a simple expedient for keeping their air-defense web intact: they did not switch it on, thus rendering it invisible to the radar-seeking missiles in NATO's arsenal. Throughout the remainder of the war, the Serbian network remained partially operable and a menace to low-flying NATO aircraft, with consequences that were to reverberate in the fighting to come.

As for the political objectives of the initial NATO assault, these were no less straightforward but even more problematic. The primary point was to "send a message" that NATO was serious. Such a message, it was widely believed within the Clinton administration, would induce Milosevic to reverse course and sign the paper that had been put before him at Rambouillet. Already in 1995, after all, he had backed down following a series of limited air strikes in Bosnia, and he had retreated once again under a threat of bombardment the previous October. A U.S. intelligence report concluding that "Milosevic is susceptible to outside pressure" had further buttressed the conviction that a modest show of force would induce the Serbian leader to fold his cards. "I don't see this as a long-term operation," Madeleine Albright declared before television cameras on the opening night of the war. "I think that this is something . . . achievable within a relatively short period of time."

But Milosevic did not fold. Instead, he chose to exploit the opening of hostilities to accomplish a fundamental strategic objective of his own. Some 40,000 Serbian troops and irregulars were quickly moved into Kosovo, where they began to wage an all-out campaign against the guerrilla Kosovo Liberation Army (KLA)—and, in a massive ethnic-cleansing sweep, to drive out the ethnic Albanian population. Instead of what the Clinton administration imagined—a surgical operation followed by resumed talks—Washington was suddenly engaged in a real war with real victims. Eleven days into the conflict that she had not seen "as a long-term operation," Madeleine Albright was on television once again, explaining that "we never expected this to be over quickly."

In the military realm, having adopted what Daaldar and O'Hanlon derisively call a "bomb and pray" strategy, the U.S. and its European allies found themselves lacking the power needed to bring home a quick victory. The U.S. had entered the war with merely a fifth of the aircraft it would normally deploy in a major regional conflict, a smaller number even than had been positioned in the region six months earlier. A single aircraft carrier, the *Enterprise*, had been in the Mediterranean up until March 15 but had then been sent to the Persian Gulf, and no other carrier was within striking distance of Yugoslavia until April 5.

Beyond the shortage of aircraft was a shortage of targets to hit within Yugoslavia. Apart from the 90 or so that had been "serviced" without full success in the opening assault, the NATO alliance lacked a clear set of follow-on sites to destroy. Drawing up a new list turned out to be neither a smooth nor a quick process.

THEN CAME a blunder—though a wholly understandable one—on Milosevic's part. On the first night of the war, President Clinton had addressed the nation from the Oval Office and declared: "I do not intend to put our troops in Kosovo to fight a war." The lesson Milosevic apparently drew from this—that he could get away with depopulating the province—turned a potential victory for him into almost certain defeat. For it was the sight of nearly a million wretched refugees fleeing their homes, and news reports (which turned out to be erroneous) that perhaps 100,000 ethnic Albanians had been murdered, that finally galvanized Western public opinion and succeeded as nothing else had done in cementing an alliance that might otherwise have splintered or been satisfied by dropping a few bombs and going home.

What followed was, unexpectedly, heightened NATO resolve and a new phase of the war. The NATO force began to be steadily ramped up in size, and its attacks assumed a growing intensity. Even so, however, the effort remained plagued by inconsistency and drift.

Two separate theaters were engaged, of which the first was Serbia proper. There, NATO initiated a campaign of strategic bombing. If the alliance opened the war with only 350 aircraft in hand, over the next weeks this number steadily increased until, by June, there were more than 1,000 in the air, including not only twelve B-52 and five B-1 bombers from bases in England but also six stealthy B-2's that traveled to and from their targets on non-stop flights from Missouri.

Initially, emphasis was placed on strictly military targets: Serbian force concentrations, installations, weapons and fuel depots, staging areas, and the like. But given the diminutive size of the Serbian military, and Serbia's still partially ef-

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fective defenses, these possibilities were rapidly exhausted. Ensuing attacks were therefore aimed at civilian structures with potential military purposes, like radio and television transmitters. By April and through May, with Milosevic showing no evidence of yielding, NATO began hitting key bridges, telephone exchanges, various kinds of industrial facilities (including both fertilizer and cigarette factories), and buildings directly connected to the Serbian leader (like his personal residence and a discothèque belonging to one of his cronies). By June, with aircraft now flying missions at a pace of approximately 600 to 700 per day, or more than ten times the opening rate, NATO was dropping advanced munitions made of carbon-graphite filaments designed to short-circuit electricity plants. The population of Belgrade was plunged into darkness and deprived of running water.

In Kosovo itself, a very different kind of war was being fought. On the ground, small units of Serbian fighters, backed by tanks, artillery, helicopters, and fixed-wing aircraft, were carrying out their forced expulsions. With airpower alone, NATO would have lacked the tools to counter these depredations adequately under any circumstances. But the difficulties of a tactical air war were made all the greater by the requirement NATO imposed on its pilots to stay at or above 15,000 feet, above the clouds and out of the reach of Serbian anti-aircraft fire. NATO pilots were thus unable to destroy the bulk of Serbian armor in Kosovo, and most of what they did destroy, postwar Pentagon assessments have revealed, was rapidly replaced.

True, NATO possessed more suitable instruments than jet aircraft for dealing with Serbian ground forces; but these it chose not to employ. As we have seen, the introduction of ground troops had been ruled out from the start by Bill Clinton, and even planning for a ground war—which itself might have had an intimidating effect on Milosevic—was discouraged if not outright disallowed on the pretext that it could be interpreted as a lack of faith in the ultimate success of the bombing campaign. As for other effective measures short of an invasion, a fleet of Apache helicopters was requested by General Clark on the second day of the war and finally dispatched with great fanfare to the war zone and readied for action. But Clark never managed to obtain a green light to send these lethal instruments into the fray.

Despite these various limitations on the NATO mode of war-fighting, the combined weight of the alliance's attacks, and the growing intimations that Clinton might change his mind about introducing ground forces, evidently did have an effect at long last. On June 9, Milosevic suddenly capitulated. Analysts have since debated exactly what prompted him to give up when he did: had he managed (with help from Moscow) to obtain a better deal in Kosovo than was available at the onset of hostilities, or did he fear further devastating losses to come? But whatever made him ask for terms so abruptly, a far more important issue is that he managed to hold out for so long, to finish as much of his ethnic cleansing as he did, and to emerge with so many of his ground forces unscathed.

THAT A tiny, impoverished country with a population of 10 million and a per-capita annual income of approximately $1,800 should have succeeded in carrying on for almost three months against a coalition of nineteen countries, including most of the world's richest nations and the world's only superpower, certainly testifies to the Serbian military's ability to endure punishment. But it testifies still more to shortcomings in the U.S. and NATO ability to administer such punishment. These shortcomings fall under a number of different headings, and responsibility for them can be placed at a number of different doors.

There was, to begin with, the tendency toward political micromanagement of combat operations. This is a Vietnam-era transgression that resurfaced with a vengeance in Operation Allied Force. A case in point was the extraordinarily cumbersome process for deciding upon military targets. Before any choices could be made, recounts Wesley Clark,

> we would need a complete analysis of each individual target—location, military impact, possible personnel casualties, possible collateral damages, risks if the weapon missed the target, and so forth. This analysis then had to be repeated for different types of weapons, in search of the specific type of weapon and warhead size that would destroy the target and have the least adverse impact elsewhere. And this had to be done to my satisfaction, then sent to Washington, where it underwent additional levels of legal and military review and finally ended up on President Clinton's desk for his approval.

This time-consuming procedure was needed just for gaining clearance from the "U.S. channel." But all nineteen members of the NATO alliance had their own channels—each with its own defense planners and its own set of lawyers to check for compliance with the laws of war—that had to approve every target as well, generating perpetual controversy, the ever-present danger of leaks, and serious friction within the alliance.*

To be sure, political supervision of targeting is a highly defensible practice. The procedures put in place over the last years have undoubtedly made for a more cali-

* The elaborate procedures and multiple layers of checking did not suffice to prevent the most notorious and politically consequential error of the air campaign: the mistaken targeting and subsequent bombing of China's embassy in Belgrade.

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brated brand of warfare than the indiscriminate carpet bombing of World War II, Korea, and Vietnam. They are also a natural response to technological progress: the stunning accuracy of munitions has been matched by a no less stunning growth in the speed and volume of communications. But the *extent* of supervision, with the President and a team of attorneys signing off, for instance, on the destruction of bridges and buildings at individual Belgrade addresses, poses a clear danger to military efficiency, and hence to the rapid consummation of hostilities. It is Clark's firm conviction that a less "humane" form of warfare would have had the more humane effect of bringing those hostilities to a swifter end.

Micromanagement is closely connected to two other cardinal sins of the Vietnam war that likewise resurfaced in the Kosovo campaign: the use of power not to coerce one's adversary but to send "signals," and the incremental intensification of military force. It is ironic but true that the decision-makers in the Clinton administration, many of whom, like the President himself, were veterans of the anti-Vietnam-war protest movement, now repeated in Yugoslavia the mistakes made by those whom they once so unforgivingly denounced. The puny initial assault, the inadequate assembly of forces in the region, the noisy ruling-out of a ground invasion, the blind optimism that a settlement would quickly be reached, all combined to send a very different "message" to Milosevic from the one that was intended, facilitating his sweep into Kosovo and virtually dictating an incremental ratcheting-up of the fighting.

The Serbian leader bears the moral responsibility for the crimes he committed in Kosovo. But by setting in motion a war without contemplating the likely consequences for the very people on whose behalf we were ostensibly fighting, Clinton, Albright, and others in the administration share a residual quotient of the blame. In this respect they were indeed fortunate that Milosevic, rather than being the genocidal tyrant they represented him to be, was only a garden-variety thug. Had he been in the league of a Hitler or a Stalin, as they preposterously claimed, the hundreds of thousands of Kosovars whose dispossession we helped make possible—and then prolonged—would have been left not only homeless but dead, and we would have had much to answer for.

IT IS easy to grasp why the Clintonites, with their deep-rooted unease about the exercise of American power, should have pulled the levers of war with uncertain hands. More difficult to comprehend is the behavior exhibited by the U.S. military itself. About this, the memoir by Wesley Clark is particularly illuminating. The ranking U.S. (and NATO) officer running the war, Clark arrived there after a lifetime spent shuttling through a long series of high-level postings that gave him broad exposure to the U.S. military in all of its workings. The picture that emerges from his book is thus of special value, even bearing in mind the resentments he must harbor over his dismissal and replacement.

That picture is of a defense establishment seriously if not terminally averse to casualties. This of course is hardly news: the same phenomenon was on display to some degree in previous conflicts and deployments, including the Persian Gulf war, Somalia in 1992, and Haiti in 1993. But in Operation Allied Force it assumed dramatic proportions. The decision to keep NATO's jets flying at 15,000 feet, putting the safety of pilots above all other considerations, is one case in point. The saga of the Apache helicopter is another.

Against Iraq, the Apache, a heavily armored and highly maneuverable attack platform, had been used to exceptional effect, destroying approximately 500 Iraqi vehicles as American forces moved in to liberate Kuwait. The helicopters themselves had been developed and procured at enormous cost—some $9 billion—and the kind of mission they were to be called upon to perform in Kosovo was, according to Clark, the very one "we'd been training them for for years." Yet the fiercest opposition to moving them to the theater, and then to deploying them in combat, came not from the White House but from Clark's higher-ups within the Pentagon itself.

In Clark's telling, when the Secretary of Defense, the Chairman of the Joints Chiefs of Staff, and the service chiefs assembled for a crucial meeting on whether to make use of the helicopters, they were presented with an Army briefing paper that dwelled heavily on the risks. It listed, "in a column that went for two or three pages, all the weapons that were capable of perforating the skin of an Apache." Comments Clark: "This wasn't risk . . . this was just another way of saying, 'Don't do the mission.'" In the end, the Apaches were deployed but never permitted to fire a shot; in addition to being a major political embarrassment, this proved enormously expensive as well, consuming almost a quarter of total U.S. outlays for the war.

But aversion to casualties was only the outward sign of a deeper problem. As Clark shows, the military's decision-makers were bent against participation in the Kosovo war from the very start, and once it was under way they offered resistance both to its continuation and especially to its intensification, slowing the flow of forces and raising one objection after another to methods of increasing pressure on Milosevic. At one point, the Army Chief of Staff explained to President Clinton that (in Clark's scornful paraphrase) "he didn't feel that it would be possible for the Army to deal with the rugged terrain of northeast Albania."

Clark does not have a theory to

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explain the derelictions he encountered higher up in the chain of command, but he does mention an assortment of complementary factors. In the first instance, Kosovo posed what he describes as "significant policy and doctrinal problems" for the Joint Chiefs of Staff. To put it simply, they saw a commitment of forces to the Balkans as a violation of the National Military Strategy, the guiding document that spells out the major contingencies that U.S. forces are trained and equipped to handle. These happen to be in northeast Asia (Korea) and the Middle East (primarily Iraq and Iran), two strategically situated regions where significant American interests are at stake and the U.S. might find itself facing powerful enemy forces. Tiny Kosovo and slightly larger Serbia were simply not visible on the Chiefs' map, and, in Clark's exasperated words, Operation Allied Forces "wasn't the war they wanted to fight."

This fixed attitude explains why, even after hostilities had erupted, the Pentagon was still asking Clark to return aircraft that had been "pulled" from patrol operations in northern Iraq. Comments Clark: "they didn't understand that this was a war, that NATO's future was at stake, and that these assets were absolutely vital to escalating the pressure against Belgrade."

Not only was American intervention in Kosovo not perceived to be of strategic importance but, in the Chiefs' view, it threatened the material "longer-term health" of the services. Actually having to expend resources on combat disrupted ongoing programs of "modernization." What is more, by the inverted bureaucratic accounting protocols of the Pentagon, real live war-fighting, by "consuming 'ready' units," threatened to reduce preparedness.

Beneath such service-oriented deformations one finds yet another set of distortions. The post-Vietnam volunteer army, writes Clark, had been consciously designed so that "no serious military operation could be contemplated without calling up Reserves and National Guard forces, thus forcing the political leaders to secure public approval before committing troops to an operation." This provides a serious check on mere foreign-policy adventurism—but also on the successful prosecution of more considered campaigns. Unless the U.S. (or one of its allies) has been directly challenged, Clark writes, operations that entail the possibility of American deaths "might not be sustainable."

And so the circle closes. Ordered to fight a war in Yugoslavia, the military hit upon the only strategy that would obviate this constraint: it chose not to "put boots on the ground," thereby avoiding casualties and making the war as safe as possible. In this, it was successful beyond all hope; not a single American serviceman died in direct combat, an unprecedented historical feat of which Clark is understandably proud. But, keeping in mind how near a thing it was, he also notes that this cannot continue: it is time for the military to "put the legacy of Vietnam and even Somalia behind us. It will be necessary to take risks in war."

AS AN account of why the Pentagon was so risk-averse in Kosovo, Clark's is persuasive enough. But he overlooks certain dimensions of the problem he points to and may not give sufficient weight to others.

Almost in passing and without a hint of irony, Clark praises the all-volunteer military for managing to attract and retain soldiers by becoming "a far more caring institution," one skilled at providing "stable jobs and family benefits." But it is precisely in the interstices between an army that perceives itself as a formidable fighting force and one striving to become a "caring institution" that one source of combat reticence resides. Our "kinder, gentler military," to borrow the title of Stephanie Gutmann's important book, places its heaviest emphasis these days on sensitivity to the trinity of gender, race, and career, not on the inculcation of martial spirit.

As for the legacy of Vietnam, Clark focuses almost exclusively on the organizational reforms undertaken in the wake of the U.S. defeat there, but says very little about the personal attitudes of his colleagues in the military high command, almost all of whom had painful firsthand experience of that conflict. Pentagon officials frequently explain their hesitations about embarking upon military action by pointing to the American public, a public allegedly unwilling to follow through when the going gets tough. But recent opinion surveys conducted by the Triangle Institute for Security Studies show that senior military officers are consistently *more* casualty-averse than the public at large. From this one might plausibly infer that concern over public support is something of an alibi.

However much today's senior military officers may proclaim that the so-called Vietnam syndrome is behind them, plainly it is not. And one can see why. A generation of military leaders who saw their comrades cut down in Vietnam for naught, and were themselves treated as pariahs by a highly vocal segment of the American elite, are less than eager to oversee replays of that tribulation. To add insult to injury, our "humanitarian" intervention in Kosovo is being held up by yesterday's civilian doves as a new and morally superior kind of war.

But this is counterfeit on several counts. For one thing, the Clinton administration went to war in Yugoslavia for reasons far less lofty than its rhetoric would indicate. Having publicly threatened Milosevic with force at Rambouillet, as it had recklessly done on a host of previous occasions, it now found its credibility at stake in ways that could no longer be evaded. For an-

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other, if Kosovo truly was a humanitarian war, why did we embrace a strategy that, in Henry Kissinger's words, "vindicate[d] its moral convictions only from altitudes above 15,000 feet" while the Kosovars, the beneficiaries of our ethical largesse, were left to fend for themselves helpless on the ground? And finally, if Milosevic really was an "Adolf Hitler, Jr."—in the phrase of one Clinton official—why did we permit the war to end not with unconditional surrender but with his regime and the bulk of his military forces intact?

The world's first humanitarian war, rather than being something new under the sun, was in reality something very old: a war into which a great power slid inadvertently, almost against its will. In this light, to refer to it as a morally superior form of warfare is implicitly to deprecate the sacrifices made by American soldiers in every conflagration of the 20th century, all of which had a far clearer and more compelling humanitarian rationale and were grounded in a larger strategy that was itself laden with moral purpose.

Which is hardly to say that the Pentagon's aversion to casualties is not a serious problem; indeed, if zero casualties really does become "the standard by which other operations are measured," as Wesley Clark suggests it might, then we will be paralyzed on the international stage, renowned for nothing so much as our willingness to kill but not to die and an inviting target for any hostile country that can find a way to draw the blood of our soldiers.

Nor is this to suggest that we should not use force abroad except in dire circumstances (though that, too, is a lesson some have drawn from Kosovo). What it does suggest is the need for a clarity about both ends and means that is very far from being gleaned from our experience in Yugoslavia. In the larger debate over defense preparedness, nothing could be less helpful than misrepresentations of that experience.

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Music

On "The New Grove II"

Terry Teachout

FOR MUSICIANS who take ideas seriously, the publication of the long-awaited second edition of *The New Grove Dictionary of Music and Musicians* will likely be remembered as the biggest story of 2001.

The New Grove II (as its publishers have styled it) has been the subject of numerous feature articles in major newspapers and magazines, among them the *New York Times*, the *New Yorker*, and the *New York Review of Books*. It is rare for such attention to be paid to an encyclopedia, but *The New Grove II* is no ordinary reference book. Not only are its 25 million words available both in traditional print form and in a fully searchable on-line digital version, but the on-line version will be updated on a continuing basis by a permanent staff of editors and researchers.[1]

The New Grove II is the first comprehensive encyclopedia of music that endeavors to treat classical and non-classical music on roughly equal terms, and also to take cognizance of the explosion of writing *about* music. According to the editors, Stanley Sadie and John Tyrrell:

> This new edition seeks to accommodate the globalization of our times with its enhanced and more consistent coverage of non-Western musical traditions. It deals with the widening scope of academic studies with substantially extended treatment of popular music traditions the world over. Music-theoretical questions are more fully and methodically addressed, as are issues surrounding the philosophy and psychology of music.

In order to accommodate this additional material, *The New Grove II* has grown considerably. Its predecessor, published in 1980, was twenty volumes long and contained 22,500 entries by 2,400 contributors from 70 countries; this second edition is 29 volumes long and contains 29,000 entries by 6,000 contributors from 98 countries. The coverage of non-Western music has doubled in size, from 1 million to 2 million words. All told, *The New Grove II* contains 5,623 articles on new topics, including 700 new biographical entries on "composers and performers of popular music," 3,000 additional entries on "composers of our time from all parts of the world," and essays on such up-to-the-minute subjects as "Deconstruction," "Postmodernism," and "Women in Music." Finally, new biographies have been commissioned of several major composers—among them Bartók, Brahms, Britten, Chopin, Haydn, Liszt, Mahler, Schubert, Stravinsky, Tchaikovsky, Wagner, and Verdi.

ALL THIS may leave tradition-loving readers wondering whether the editors of the new *New Grove* have made a complete break with the past, one whose implications might be summed up in the title of the fifth volume, "*Canon* to *Classic Rock*." But in fact, most—if not all—of the differences between *The New Grove II* and its predecessor are far less dramatic than those between

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[1] The print edition of *The New Grove Dictionary of Music and Musicians* costs $4,850. Unlimited access to the on-line version is available for $295 a year or $30 a month. Either version can be ordered from Grove's Dictionaries Inc. by calling 800-972-9892 or visiting www.grovemusic.com.

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the first *New Grove*, published in 1980, and *its* immediate predecessor, the fifth edition of *Grove's Dictionary of Music and Musicians*.

By now, *The New Grove* has become so reassuringly familiar a landmark that it is easy to forget what life was like without it. Prior to 1980, there was no English-language music encyclopedia generally accepted as authoritative. The original *Grove's*, published in 1889 and revised in 1904, 1927, 1940, and 1954, was widely used in the English-speaking world, but scholars without exception considered it to be greatly inferior to its German counterpart, *Die Musik in Geschichte und Gegenwart* (1949-79).

Part of the problem with the old *Grove's* was that, prior to World War II, academic musicology was basically a German enterprise, whereas England's musical culture was "amateurish" in both the good and bad senses of that ambiguous word. Sir George Grove (1820-1900), the first editor, was a quintessentially eminent Victorian, a civil engineer turned music administrator whose intense love of the classics led him to undertake the formidable task of editing a four-volume encyclopedia of music. He wrote about Beethoven and Schubert with the passion of an informed amateur ("Whatever the music of other composers may do, no one ever rose from hearing a piece by Schubert without being benefited by it"), but knew little of what the American musicologist Joseph Kerman has called the "positivistic" side of musicology—the painstaking collection of rigorously verified historical data.[2]

Though *Grove's* grew more scholarly with each successive revision, it never broke free of the provincialism that had long been the curse of British musicology and music criticism. In a way, this was a boon, for *Grove's* remained that rarest of things, a reference book with a personality. But too often the personality was narrow and blinkered, not merely about the emerging modern movement in art but also about artists whose only sin seems to have been that they were not British. A case in point is this now-notorious passage about Sergei Rachmaninoff:

> As a composer he can hardly be said to have belonged to his time at all. . . . His music is well constructed and effective, but monotonous in texture, which consists in essence mainly of artificial and gushing tunes accompanied by a variety of figures derived from arpeggios. . . . The enormous popular success some few of Rachmaninoff's works had in his lifetime is not likely to last, and musicians never regarded it with much favor.

It was just this sort of priggishness with which Stanley Sadie, editor of the sixth edition of *Grove's* (known to scholars as *Grove 6* and to ordinary users as *The New Grove*), sought to make a clean break. Unlike its predecessors, *Grove 6* was an almost completely new production, as indicated by its full title, *The New Grove Dictionary of Music and Musicians*. Both the word "new" and the omission of the possessive from "Grove" were meant to signal that the days of the gentleman amateur were gone for good. Gone, too, was the tacit assumption that the Western classical-music tradition was the only one worth writing about, for *The New Grove* contained extensive coverage of non-Western and nonclassical music.

Like every encyclopedia, *The New Grove* had its defects. Its coverage of American music was inadequate (though far better than that of *Grove 5*). Many of its contributors were strangely reticent about the devastating effects of totalitarianism on music in Europe in the 20th century. And *The New Grove* as a whole had little to say about the *moral* force of music, preferring to engage with it on purely historical and technical terms. In the words of Samuel Lipman:

> There is so much in its pages of human ambition and human activity—but in the end the persistent failure to consider a wider meaning for music makes it all seem like a massive necrology. . . . [I]n giving up the passé musical judgments and intellectual apparatus of an earlier age, something else was lost as well: the high Victorian seriousness displayed by George Grove and many of his important contributors.

Still, *The New Grove* spoke the truth when it declared in its article about musicology that "the German monopoly . . . has clearly been broken forever." At last, English-speaking scholars had created an encyclopedia of music that, whatever its shortcomings, was fully professional in every sense of the word.

No sooner had *The New Grove* been published, however, than its makers began to lay the groundwork for an even more ambitious revised edition.

In 1985, Norton brought out a series of paperback volumes containing *The New Grove*'s biographical articles on major classical composers; these had been reworked in the light of later research, and some were completely new. In addition, five subject-specific *New Grove* dictionaries were published: on musical instruments (1984), American music (1986), jazz (1988), opera (1992), and women composers (1994). Each contained large amounts of new or revised material.[3]

The New Grove II is based in part on these publications, as well as on *The New Grove*, from which many entries have been reprinted without substantial change. Most of the new

[2] For a more extended discussion of Sir George Grove and the early editions of *Grove's Dictionary of Music and Musicians*, see Samuel Lipman's essay, "Within a Budding Grove's" (Commentary, March 1982; reprinted in *The House of Music: Art in an Era of Institutions*, 1984).

[3] For a detailed consideration of the last of these volumes, see my "Ms. Wonder-Child, For Example" (Commentary, March 1996).

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biographical articles on major composers were undertaken in order to incorporate significant contemporary research, in the process correcting certain glaring flaws of the 1980 work. Barry Millington's article on Richard Wagner, for example, contains the honest discussion of Wagner's anti-Semitism that was inexplicably (and inexcusably) missing from the *New Grove* essay by Curt von Westernhagen and Carl Dahlhaus; similarly, Roland J. Wiley's article on Tchaikovsky dismisses as unprovable the theory of the composer's suicide, which was taken at face value in 1980 by David Brown.

The New Grove II is not without flaws of its own. Web-based discussion sites of scholarly organizations like the Music Librarian Association resound with heated postings in which shortcomings are catalogued in proliferating detail, while sharp-eyed reviewers have pointed out numerous errors, omissions, and inconsistencies. Most are trivial, though a few have proved dire enough to cause, already, the reissuing of the 24th and 26th volumes in corrected editions, suggesting that *The New Grove II* was rushed into print prematurely.[4]

Other errors—of perspective—run deeper. For all the determined attempts of the British editors to deprovincialize their coverage of music, *The New Grove II* remains an encyclopedia that devotes 38 pages to Benjamin Britten versus eight to Aaron Copland. (Even Igor Stravinsky gets only 40!) And over and above its pro-British bias, *The New Grove II* suffers from what might be termed the academic non-judgmentalism of its predecessor. It is indicative of the editors' overall approach that there is no article on "beauty," and most of the contributors tend to steer well away from vividly affective language of any sort. Here, for instance, is Alan Blyth on the great Swedish mezzo-soprano Anne Sofie von Otter:

> Her voice, basically firm and flexible, has an individual tang to it; she employs it intelligently to project the meaning of all she sings, and on the stage she commands the personality to perform comedy and tragedy with equal aplomb.

This is true enough as far as it goes, but it barely goes anywhere. The same may be said of too many of the blandly unspecific descriptions of composers and performers alike, which also have a way of skimping on highly relevant biographical information. Thus, you will not learn from their biographical entries that the jazz pianist Bill Evans was a heroin addict, or that the German soprano Elisabeth Schwarzkopf was a member of the Nazi party who for that reason was banned for years from the Metropolitan Opera.

For the most part, however, *The New Grove II* rises to the great occasions, especially in its extended biographical essays about the major classical composers. Peter Franklin on Mahler, Alan Walker on Liszt, Stephen Walsh on Stravinsky, James Webster on Haydn, Roland Wiley on Tchaikovsky: these, and many others, are near-ideal pairings of scholar and subject. Time and again, one feels that their articles have told you everything you want and need to know, presenting the facts with admirable clarity—at least so long as both the facts and their organization fall into established academic traditions.

By contrast, and almost without exception, the weakest articles are the ones dealing with jazz and popular music, two areas where formal scholarship too often tends to be shallow or non-existent. Even where existing documentation is reliable, *The New Grove II* sometimes fails to make use of it—there is, for example, no biographical article about the singer-mandolinist Bill Monroe, the inventor of bluegrass music, though his life and work have been extensively researched. And as for the coverage of rock music, it is both arbitrary and not infrequently pompous, bordering at times on outright self-parody, as in this entry on the pop singer Michael Jackson:

> In terms of video, Jackson also appeared to be repeating himself, returning over and over again to the street-gang, *West Side Story*-style mise-en-scène of *Beat It*. An exception to this is the Afrocentric, Egyptian fantasy of "Remember the Time" from *Dangerous*.

Needless to say, some will boggle at the fact that rock receives *any* kind of coverage in *The New Grove II*, especially given the fact that it has yet to be subjected to the kind of close positivistic scrutiny that is growing more common in jazz scholarship. Even here, though, there is no real break with the ultimate aims of *Grove 6* (in which rock also figured, albeit much less prominently), but rather a failure to bring them to fruition. *The New Grove II* seeks to be comprehensive: to describe, insofar as possible, every kind of musical activity, good or bad. Where the hard facts have been fully gathered and digested, their presentation is generally sound. In this as in most other ways, *The New Grove II* is for all intents and purposes continuous with *Grove 6*—usually better, sometimes not as good, but plainly arising out of the same intellectual impulse.

DESPITE ITS self-evident resemblance to its predecessor, however, *The New Grove II* is in two crucial aspects a profoundly different enterprise.

The positivist monopoly on musicology was already starting to break up in 1980, and in the past two decades it has increasingly given way to a concentration on what

[4] Apparent signs of haste are to be found even in some of the best entries: Mark Tucker's otherwise exemplary key article on jazz, for example, makes no mention whatsoever of the cornetist Bix Beiderbecke, a central figure whose omission is so astonishing that one wonders whether some portion of the article inadvertently went unprinted.

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scholars call "critical theory." This is not music theory in the ordinary sense—theory as the codified principles of traditional musical language and structure—but rather the sort of "theory" that now dominates the academic study of English, in which critics seek to elucidate the meaning and significance of literature by considering it in the light of socio-cultural context and political doctrine, the latter usually Marxist in origin.

The makers of *Grove 6* shied as far away as possible from such politically conscious thinking. Nor does it come remotely close to dominating *The New Grove II*. But certain of the newer biographical entries clearly reflect its influence, most notably Philip Brett's article on Benjamin Britten:

> Many of his new friends, including [W.H.] Auden, who imparted a *carpe-diem* message and undoubtedly lectured Britten on the topic, were almost openly gay, and he must have realized that the left-wing, pacifist, agnostic, and queer model they offered him provided a suitable identity niche in which to lodge his particular personal concerns, though few of his friends believed that he was ever entirely comfortable with it.

But it is in the newly commissioned articles about general topics that theory intrudes most sharply in *The New Grove II*. The intrusion is not *always* disadvantageous, especially when it comes to placing musical phenomena within their larger cultural context. Thus, whereas *Grove 6* at times almost perversely discounted the influence of politics on music, *The New Grove II* contains an article on Nazism in which the ugly facts of musical life under Hitler are discussed straightforwardly. And while many contributors to *Grove 6* presented serialism and the postwar avant-garde as historically inevitable, *The New Grove II* readily acknowledges that the hermetic modernism of Arnold Schoenberg and his progeny has failed to prosper: "Copland, Barber, Britten, and Shostakovich increasingly appear central to any musical characterization of the century. Modernism may end up as only one of many competing 20th-century trends and not the century's dominant voice."

Still, for every such entry there is another in which critical theory is allowed to run amok, a prime example being a jargon-ridden, eleven-page article on "Gay and Lesbian Music" by the aforementioned Philip Brett. And though *The New Grove II* has finally deigned to acknowledge the existence of the Nazis, Christopher Norris's fawning articles on Marxism and "socialist realism," the simple-minded musical style forcibly imposed on Soviet composers by the apparatchiks of the Kremlin, are nothing short of disgraceful:

> Musicology was not immune to the kinds of "free-world" or "liberal" triumphalist rhetoric that greeted the end of Communist rule in central Eastern Europe. . . . There is no reason to suppose that gifted composers have not been genuinely moved by social inequity and not genuinely responded. Socialist realism, as an effort to liberate such response, is not a codified and now obsolete style but rather an expression of humane values that have been with us at least since the French Revolution.

In the encyclopedias of the past, such blunders would have been written in stone. But *The New Grove II*, unlike its predecessor, is mutable. Should the editors decide at some future date that Christopher Norris was wrong about Marxism, they need not wait two decades in order to correct his mistakes. Instead, they can alter the electronic text of the on-line edition, instantaneously and at will.

This feature of *The New Grove II* is without question its most significant and far-reaching break with tradition. Heretofore, for better and for worse, a central attribute of encyclopedias has been their permanence. As Joseph Kerman wrote apropos of *Grove 6*:

> [A] dictionary, even the best dictionary, is essentially just another trophy of positivism. It is a static rather than a dynamic thing, an immovable object rather than an irresistible force. Synoptic, celebratory, retrospective, and sterile, it stores but does not generate, transform, light up, or blossom.

The New Grove II on-line is different—radically so. The question is whether this difference is, in the long run, a good thing or a bad thing.

If knowledge is power, what is an encyclopedia? For the user, it is certainly a power source, but one that, as Kerman suggests, might better be compared to a storage battery than to a generator. But the makers of encyclopedias also possess an independent power of their own: the power of selection. By choosing one person to write about Beethoven and another to write about Count Basie—or by choosing not to write about Count Basie at all—the editor of an encyclopedia establishes a set of intellectual priorities. Should his encyclopedia be purchased by libraries and acknowledged by critics and scholars as pre-eminent in its field, then those priorities will be unconsciously accepted by many, perhaps most, of the people who consult it in years to come.

George Orwell understood this. In *Nineteen Eighty-Four*, the Ministry of Truth was in charge of the translation of encyclopedias and dictionaries into Newspeak, the politically correct version of English in which it was impossible to utter a heterodox thought. Back issues of the *London Times* were rewritten each day in order to accord with the current dictates of Big Brother, and in time served as the source material for subsequent editions of reference books. This process was not a

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product of Orwell's imagination: he based it on *The Great Soviet Encyclopedia*, whose subscribers were expected to scissor out old articles and replace them with new, updated ones supplied by Moscow when former eminences ran afoul of Stalin and were excised from history.

This is not to suggest that *The New Grove II* on-line will be run along the lines of the Ministry of Truth. But no one can doubt that it will evolve far more rapidly than any previous music encyclopedia, or that musicologists with political agendas will seek to influence that evolution as they see fit. What will *The New Grove II* on-line look like a year, or five years, from now? Will it be gradually re-created, entry by entry, so as to accord more completely with the thinking of scholars like Philip Brett and Christopher Norris? Will it remain essentially positivistic in orientation? Or will a new generation of scholars pull it in still another direction, as yet unforeseen?

WHATEVER THE future direction of *The New Grove II*, one thing is certain. It will keep on growing—and this, too, is liable to be a mixed blessing.

It is tempting to argue that *The New Grove II* has already grown too big, too indiscriminately inclusive, for its own good. Certainly one must vigorously question the appropriateness of entries in which the ephemeral achievements of present-day rock musicians are described in an elephantine style for which the only possible word is pseudoscholarly. To apply to Michael Jackson a mode of discourse designed for Mozart is to obscure—perhaps inadvertently, perhaps willfully—the infinite difference between the two.

At the same time, it must be acknowledged with gratitude that the editors and contributors continue to devote the overwhelming bulk of their time and energy to writing about the art music of the West. Indeed, the extent to which *The New Grove II* is still dominated by Western classical music indicates that, for all their seeming non-judgmentalism, the positivistic musicologists are not without a hierarchy of values, uncomfortable though it may make them to admit as much. Notwithstanding their earnest attempts to "deprivilege" classical music, they still give more space to Beethoven than to any other composer, and describe him, just as they did in 1980, as "the most admired composer in the history of Western music."

To call Beethoven "admired" is, of course, a very different thing from calling him "great." It remains to be seen whether such carefully calculated praise can long withstand the attacks of the critical theorists. For they, too, have a hierarchy of values, and unlike their positivist colleagues, they are hardly shy about advancing it. The time may come—it may already be here—when it will not be enough to "defend" classical music merely by giving it more space in *The New Grove II* than any other kind.

On the other hand, there is also something to be said for the sheer inclusivity of *The New Grove II*, and to criticize its excesses of comprehensiveness is not to say that the goal itself is ignoble. Far removed though it may be from the original intent of Sir George Grove, *The New Grove Dictionary of Music and Musicians* continues to embody in its 29 volumes the supremely Victorian notion that music is universal—or, to put it another way, that there is some meaningful sense in which Beethoven, Count Basie, Benjamin Britten, and Bill Monroe were all engaged in the same activity. Moreover, it asserts by its very existence the possibility that all men in all conditions can participate in that activity in all its myriad manifestations—itself a hearteningly old-fashioned notion in our fissiparous age of identity politics.

Indiscriminate though it may be, there is thus reason to appreciate the deeply idealistic premise on which *The New Grove II* continues, at least for now, to be based. Between its covers, all music, if not equal, is nevertheless one.

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Books in Review

A Life in Full

An Old Wife's Tale
by Midge Decter
Regan Books. 234 pp. $26.00

Reviewed by
David Gelernter

MIDGE DECTER is someone you want to read no matter what topic she is writing about. *An Old Wife's Tale*—the story of her life, her politics, and American society—is a book you would have to read no matter who wrote it. She has the unique trick of writing about deeply depressing topics in a way that leaves you encouraged instead of crushed. The book reads like a casual, anecdotal ramble through the woods that opens out regularly onto huge vistas and big truths, expressed with breathtakingly simple clarity.

She was born in St. Paul, Minnesota and seems to have been planning to leave more or less from the moment she arrived. The Depression, FDR, and World War II colored her childhood and adolescence. About that adolescence, in the oddly sane, strangely wholesome world of the pre-1960's, she sets today's popular misconceptions straight as casually as if she were straightening crooked pictures on her living-room wall:

> Not to be a virgin was a scandal, but to remain chaste was a far from simple proposition. For sex was our main source of power over the boys, who otherwise exerted an untoward degree of power over us. . . . Call it nature's way of evening the score.

It seems hard to imagine today: the world in balance.

Eventually, she dropped out of college (the University of Minnesota) and set off for New York, ostensibly to study at the Jewish Theological Seminary. "My heart lifted so high as I boarded that train that some years would pass before it came back down again." But she hated school, and the war was over, and she married a veteran who was finishing his education; so, without "even the pretense of a proper marketable skill," she got a job as a clerk and a few years later was secretary to the managing editor of COMMENTARY. Then she had a child and quit work, and moved with her family to a garden apartment in the suburbs.

Garden apartments and suburbia, quitting work to rear children, the whole 1950's—all unpopular with today's cultural mainstream, so naturally Midge Decter defends them. She was not crazy about the suburbs, or the garden apartment, or the husband, either. But they had their points, recollected in evocative vignettes of afternoons on stoops where mothers gathered to entertain one another as the children romped:

> Many of the toddlers we were chasing after on those long-ago afternoons would, of course, one day grow up and accuse us all of being bourgeois, conformist, and materialistic. And each time as I would sigh with weariness or grow angry at the sheer ingratitude of it all, I would have to laugh as well, thinking of those days.

The husbands worked hard and commuted hard. The mothers worked

DAVID GELERNTER *is the author of* Machine Beauty, Drawing Life, *and* 1939, *among other books.*

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hard, too, in their bare-bones little apartments. No one had much money. No one had been liberated from anything. But life—not bourgeois, nor conformist, nor materialistic—was all right. In a few years the family (there were now two children) returned to the city. The author got divorced, went back to work at COMMENTARY, and before too long was being courted by the man she would marry "for all time," Norman Podhoretz.

They had two more children, meaning another pause before she returned to work. In time she became executive editor of *Harper's*, which under the editorship of Willie Morris "had virtually overnight been turned into a writers' magazine and was in the process of becoming what is called in the trade a 'hot book.'" Roughly a third of the way through this narrative, we have hit the late 60's; henceforth, *An Old Wife's Tale* is an idea-book as much as a memoir.

AT *Harper's*, Midge Decter was a leading literary figure. With the eruption of feminism into the body politic like a new and fatal form of acne, she turned herself into a leading public intellectual.

A few years earlier she had read Betty Friedan's *The Feminine Mystique* and dismissed it—"intellectually and stylistically very crude," and "unbelievably insulting to ordinary housewives." Now she was starting to encounter other feminists all over the New York literary scene. They seemed angry and confused and made no sense. But people were taking this stuff seriously. Friedan had founded the National Organization for Women; it never attracted even 300,000 members (the Zionist women's organization Hadassah, she points out, had 350,000), yet somehow it was anointed "the women's movement."

Feminists wanted to pass as oppressed persons, just like Southern blacks—a transparent con that no one seemed to see through. It was the era of the Vietnam war, and oppression was on a roll. "There was something very unpleasant," she writes, in the idea that "one should be asked to extend some special sympathy to [a class of] women who were hands down among the luckiest, healthiest, and freest people on earth." As feminism flared up, Midge Decter flared up to meet it, like the RAF scrambling to intercept.

She "duked it out" in conversation with feminist associates. She agreed to debate Gloria Steinem, played "the requisite bad guy on discussion panels," and, having left *Harper's*, turned to a thorough study of feminist literature. In 1972 she published *The New Chastity and Other Arguments Against Women's Liberation*. Naturally, the feminist Left hated her passionately. "Among my adventures," she notes drily, "could be counted no awarding of medals." (If Midge Decter cared about getting medals, she would long ago have abandoned conservative humanism for a different line of work.)

There is far more to this book than the truth about feminism (although if there were not, you would still be getting your money's worth). But its most important theme, and the one to which she keeps returning, is man and woman—arguably the most important theme there is.

To boil things down, men want women; women want children. It used to be that a woman could sleep around if she felt like it; but if she did not, society stood behind her. (Most women, Decter notes, "genuinely hated the sexual revolution," because "it is in a woman's nature to be monogamous." Period. A whole generation of silly ranting down the drain.) It used to be that a woman could work if she wanted or needed to; if she did not—if she wanted to make a home and rear children instead—society ("parents, schools, cultural authorities") backed her up.

Under relentless feminist pressure, society caved in and canceled these understandings, and the tragic results are all around us. Unmarried males get all the girls they want without promising anything; society's new and improved attitude is, help yourself. When a man agrees to marry, he is no longer obliged to support his wife: society's progressive new approach is, can't *she* get a job? And when a mother worries about her children, society's response is—forget about it, sweetheart, they're better off in day-care. "Can anyone but an unthinking, resentful ideologue (or a social scientist in the ideological swim) even pretend to believe that?"

The author's bafflement at the male population's passive acceptance of the feminist revolution is one of her book's few unconvincing aspects. "Why men should have responded with so much timidity in the face of so violent an assault on them I could not understand," she writes, but her book makes clear exactly why. In this brave new world where a woman's role is no longer to be a wife and mother, her function instead is to be sexually available until she is married, and economically productive at all times. What feminists have achieved is not exactly the enslavement of women, but from a male point of view it is almost as good. (We may be lazy but we are not stupid; not *that* stupid.)

On the other hand, the author gives a powerful analysis of what made feminists do what they have done, and her analysis culminates in one of the few deep pronouncements that have ever been made about feminism: feminism is self-hatred. The "liberation" that feminists sought, Decter writes, was "liberation from the ultimately inescapable nature of womanhood itself." They resented the world's plans for them—that they should bear children and care for them. More horrible by far, they discovered that getting married and having children is just what they *wanted* to do. "Sooner or later . . . young women are bound to discover in themselves an ever more pressing wish to be

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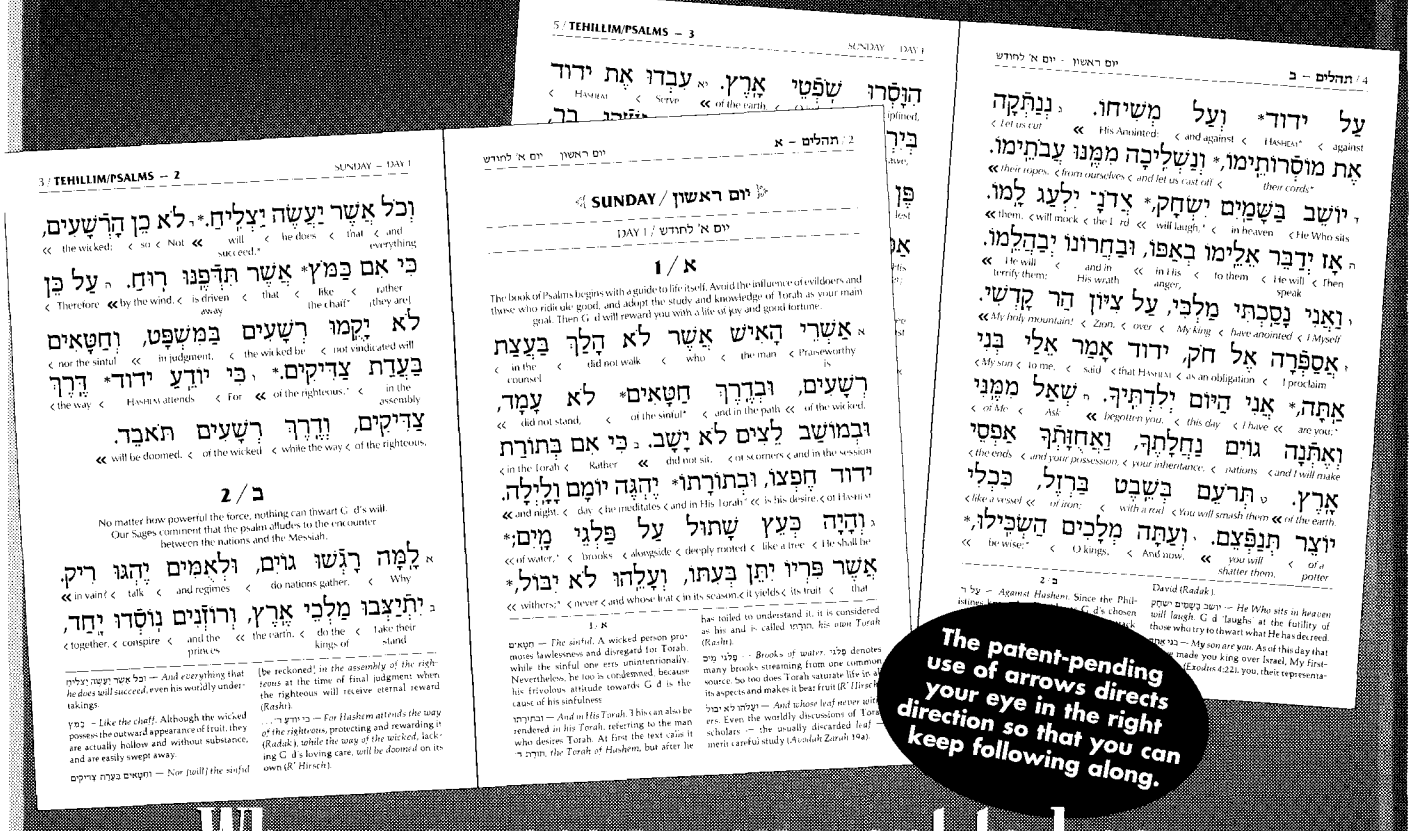
3 / TEHILLIM/PSALMS – 2
SUNDAY – DAY 1
וְכֹל אֲשֶׁר יַעֲשֶׂה יַצְלִיחַ.* לֹא כֵן הָרְשָׁעִים,
כִּי אִם כְּמֹץ* אֲשֶׁר תִּדְּפֶנּוּ רוּחַ.
עַל כֵּן
לֹא יָקֻמוּ רְשָׁעִים בַּמִּשְׁפָּט, וְחַטָּאִים
בַּעֲדַת צַדִּיקִים.* כִּי יוֹדֵעַ יְהוָה* דֶּרֶךְ
צַדִּיקִים, וְדֶרֶךְ רְשָׁעִים תֹּאבֵד.
2 / ב
No matter how powerful the force, nothing can thwart G-d's will.
Our Sages comment that the psalm alludes to the encounter
between the nations and the Messiah.
לָמָּה רָגְשׁוּ גוֹיִם, וּלְאֻמִּים יֶהְגּוּ רִיק.
יִתְיַצְּבוּ מַלְכֵי אֶרֶץ, וְרוֹזְנִים נוֹסְדוּ יָחַד,
1 / א
The book of Psalms begins with a guide to life itself. Avoid the influence of evildoers and
those who ridicule good, and adopt the study and knowledge of Torah as your main
goal. Then G-d will reward you with a life of joy and good fortune.
אַשְׁרֵי הָאִישׁ אֲשֶׁר לֹא הָלַךְ בַּעֲצַת
רְשָׁעִים, וּבְדֶרֶךְ חַטָּאִים* לֹא עָמָד,
וּבְמוֹשַׁב לֵצִים לֹא יָשָׁב. כִּי אִם בְּתוֹרַת
יְהוָה חֶפְצוֹ, וּבְתוֹרָתוֹ* יֶהְגֶּה יוֹמָם וָלָיְלָה.
וְהָיָה כְּעֵץ שָׁתוּל עַל פַּלְגֵי מָיִם;*
אֲשֶׁר פִּרְיוֹ יִתֵּן בְּעִתּוֹ, וְעָלֵהוּ לֹא יִבּוֹל,*
5 / TEHILLIM/PSALMS – 3
SUNDAY – DAY 1
הוֹסִרוּ שִׁפְטֵי אֶרֶץ. עִבְדוּ אֶת יְהוָד
4 / תהלים – ב
יום ראשון – יום א' למחזר
עַל יְהוָד* וְעַל מְשִׁיחוֹ.
אֶת מוֹסְרוֹתֵימוֹ,* וְנַשְׁלִיכָה מִמֶּנּוּ עֲבֹתֵימוֹ.
יוֹשֵׁב בַּשָּׁמַיִם יִשְׂחָק,* אֲדֹנָי יִלְעַג לָמוֹ.
אָז יְדַבֵּר אֵלֵימוֹ בְאַפּוֹ, וּבַחֲרוֹנוֹ יְבַהֲלֵמוֹ.
וַאֲנִי נָסַכְתִּי מַלְכִּי, עַל צִיּוֹן הַר קָדְשִׁי.
אֲסַפְּרָה אֶל חֹק, יְהוָד אָמַר אֵלַי בְּנִי
אַתָּה,* אֲנִי הַיּוֹם יְלִדְתִּיךָ. שְׁאַל מִמֶּנִּי
וְאֶתְּנָה גוֹיִם נַחֲלָתֶךָ, וַאֲחֻזָּתְךָ אַפְסֵי
אֶרֶץ. תְּרֹעֵם בְּשֵׁבֶט בַּרְזֶל, כִּכְלִי
יוֹצֵר תְּנַפְּצֵם. וְעַתָּה מְלָכִים הַשְׂכִּילוּ,*
2 / ב
עַל יְהוָד – Against Hashem. Since the Phil-
David (Radak).
יושב בשמים ישחק — He Who sits in heaven
will laugh. G-d laughs at the futility of
those who try to thwart what He has decreed.
בני אתה — My son are you. As of this day that
made you king over Israel. My first-
(Exodus 4:22), you, their representa-
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DAY 1 / יום א' למחזר
1 / א
1 – א
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married. That just happens to be the way young women—or at least most of them—are." And: "How much foresight did it take to predict that some day, having put it off for too long, a lot of not-so-young women would grow panicked at the thought of being left childless?"

MIDGE DECTER has published other books—among them *Liberal Parents, Radical Children*—and during the 1980's she invented and ran the Committee for the Free World. I pictured it at the time as a large, august institution with a marble lobby and attractive receptionist, exotic flowers on her desk; it turns out to have been a shoe-string operation, though its influence was enormous. It is typical of her to say that the committee's campaign to support the Reagan administration in Central America was "small but noisy and joyous." Given the Reagan policy's opponents—strong, mean, Tyrannosaurus rexes of self-righteousness—I could understand the campaign's being "tough" or "draining," but "joyous"? That is the Decter touch.

There are times when this book seems slightly capricious in choosing what to tell. On page 75 the author's first husband absconds in the middle of a parenthesis. Nosier readers (such as myself) will wish they had been told more of the inside story about Norman Podhoretz and the colossal *Kulturkampf* he waged as editor of COMMENTARY. Judaism and religion in general mean a great deal to the author, and it would have been interesting to know exactly why and how. In other words, it's too bad the book isn't longer. But that is the worst you can say about it.

Midge Decter invented the Committee for the Free World to fight Soviet Communism and Soviet Communism's friends. In 1990, the Soviet Union collapsed. Whereupon she did a jaw-dropping thing. The committee's purpose having been achieved, she disbanded it. *Disband* a first-rate organization in good running order, merely because the job is finished? "To this day," she writes, "I run into people who say, 'Why don't you start that committee thing up again?'" But shutting it down was pure Decter, Decter all over. Say and do exactly what is necessary and right with good cheer and no histrionics and then stop. She is one of a kind.

The Uses of Power

Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century
by Henry Kissinger
Simon & Schuster. 318 pp. $30.00

Reviewed by
David Pryce-Jones

AMERICA BESTRIDES the world like a colossus. In Europe, the Middle East, and Asia, American garrisons and fleets betoken a power far more absolute than that of the Romans or the British in their time. Such power has consequences. With varying degrees of enthusiasm, other peoples with other traditions are adopting America's free-market economy, its language, and its popular culture. As once people took on the religion of those stronger than themselves, now, in homage, many claim to be democratic, flimsy as the grounds of the claim may be.

One hundred years from now, *Does America Need a Foreign Policy?* is likely to be read as a summation of where America stood at this moment when its power appeared un-

DAVID PRYCE-JONES, *the British political analyst and the author of* The Strange Death of the Soviet Empire, *is a senior editor of* National Review.

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challenged and its future brilliant. The question posed by the title is rhetorical; it ought really to be, *How Are We To Use Our Power?* The author, Henry Kissinger, is a lifelong student of the nature of power and the consequent purposes and practices of statecraft, and as Secretary of State under Presidents Nixon and Ford he was able to test his ideas in the real world of politics. In many ways this is a masterful work, displaying a grasp of the entire world's geopolitics and written with admirable clarity. But it also has its peculiarities.

Throughout history, power has proved an empty shell in the absence of the will to exercise it. Previous empires have had their Caesars and Disraelis to extol and extend power, in their view bringing civilization, peace, and law by means of legionaries and redcoats. But there have also been plenty of critics to warn that there are inbuilt limits to what power can achieve, and that power over others carries with it the inherent risks of backlash and revolt. "The Captains and the Kings depart," in Kipling's melancholy words.

Kissinger is such a critic. By the 19th century, he instructs us, the world order had laid out the foundation of a stability that lasted more or less successfully until 1914. According to its precepts, each nation had its legitimate interests, and the best mechanism for mediating among those interests, and thus for keeping the peace, was a balance of forces; any single power with pretensions to supremacy would be confronted by a defensive coalition of other powers. Successive British prime ministers operated this mechanism, along with the Metternichs and Bismarcks and some of the Russian czars. They were statesmen—the highest term of praise in Kissinger's vocabulary—earning his approval as wise, cautious, restrained.

Some American Presidents have also understood this time-honored mechanism of power politics, and have acted accordingly—Theodore Roosevelt, for one. And after all, Kissinger reminds us, it was a coalition of allies that defeated Nazi Germany and the Soviet Union and restored the world balance of power. But all along there was also an alternative American tradition, one rooted in the New World idealism of the founding fathers. This alternative found its modern embodiment in Woodrow Wilson, who after World War I declared that America was under a moral imperative to encourage self-determination and democracy for all peoples.

In Kissinger's vocabulary, Wilsonianism is the highest term of disapprobation, and his unqualified disdain for this doctrine resonates in the adjectives he applies to it: "messianic," "missionary," even "optimistic." Wilsonian idealism might be valid if American values were universal, but to Kissinger, universal values are themselves a chimera. In practice, American values, democracy included, have proved irrelevant in many countries that have a history and culture of their own, and trying to impose them in order to cure ancient ills generally introduces far more destructive contemporary ills.

Worse, moral imperatives inject a self-righteous humbug into international relations. In Wilsonian logic, enemies are not simply people defending their own national interest; they are immoral, and therefore fit to be destroyed unconditionally. What begins as morality can thus end in warmongering and imperialism by another name.

Kissinger's many adversaries on the Left have accused him of adventurism and even of criminal conduct in office. What his prolific writings, and in particular this book, actually disclose is a deep temperamental fear that the possession of power leads inexorably to the use of force, and the no less deep conviction that the true purpose of power is to anticipate and head off crises that might otherwise end in violence. Like a pedestrian at a particularly complex and dangerous intersection, he is on the look-out for accidents from every direction.

The most serious of the several possible "accidents" Kissinger now foresees has to do with the emergence of a unified Europe, which he rightly calls "one of the most revolutionary events of our time." For years, the United States has advocated this very end, in the belief that a unified Europe will naturally share American values and interests. But in reality the European system of nation states is giving way to an institutionalized structure that, though nominally democratic, has been shaped in opposition to the U.S. The creation of a European defense force, the erosion of NATO and the Atlantic alliance, irrational resistance to the American proposal to build a nuclear missile shield, head-on disputes over trade and environmental issues—all these provide evidence that the bloc of Western democratic states is not coming together but splintering, much as did the former Communist bloc.

In Russia, a former KGB officer now rules who understands the national interest and the balance of forces all too well. After the collapse of Communism, American policy concentrated on domestic reform in Moscow, identifying reform mainly with the person of Boris Yeltsin. This in Kissinger's view was dangerous sentimentality. America is in no position to introduce genuine democratic reforms in Russia—not in the government, not in the economy, and not in the legal system. Vladimir Putin's Russia already shows signs of wanting to reproduce cold-war tensions, and one of Kissinger's preoccupations is that it will be attracted into an alliance or coalition with the new German-led Europe.

The shape of the 21st century will also critically depend, he thinks, on a resolution of the tensions in

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the Sino-American relationship. If China tries to impose its will on Taiwan, or if it seeks to dominate Asia, it may have to be resisted by force. So terrible a calamity would this be that Kissinger recommends a policy of patience as China evolves; that way, in the event of conflict, America will at least be free of blame. "What is the point," he asks, "of a confrontational strategy conducted for its own sake?"

Other nations with interests likely to prove challenging are Japan, India, and Brazil. As for the Middle East, turmoil there is a certainty. In some twenty pages Kissinger gives a marvelously cogent account of the Oslo peace process and the mistaken assumptions on all sides that led to its failure. Nationhood and the state, he writes, still count less than religion in the eyes of most Muslims. Israelis are rejected by their neighbors because they are Jews, and there is nothing they can do about it but arm themselves. Elsewhere in the Middle East, a balanced approach to either Iraq or Iran is, for the moment, not feasible.

Finally, Kissinger tackles globalization, a bag into which all sorts of Wilsonian scraps have been crammed, weakening nation states for no good purpose and muddling every balance of power. Consensus is required if there is to be world order, but Kissinger sees an unbridgeable divide between haves and have-nots, between Internetters and techno-zeros. Putting his trust in statesmen rather than jurists, he is deeply suspicious of one-size-fits-all policies like "human-rights" campaigns and of bodies like the International Criminal Court. In general, missionary or messianic efforts are the butt here of his sometimes quite deadly humor, as when he writes that unilateral gestures to ease Iranian hostility represent "the application of 'politically correct' psychiatric theory to politics," or that the bombing of Kosovo, conducted out of range of Serbian anti-aircraft batteries, suggested that "Western democracies confined their risk-taking on behalf of morality to specific altitudes."

TOURING THE world and its troubles as if following a manual, Kissinger generates a profusion of specific ideas and policies. To deal with Russia, there should be consultative mechanisms within the Organization for Security and Cooperation in Europe. An international conference, including Russia, must be convened to settle Bosnia and Kosovo. To strengthen the Atlantic alliance, a Trans-Atlantic Free Trade Area (TAFTA) is needed. A program of cooperative control should be set up to deal with drugs. As for globalization, "An international sense of social responsibility must be fostered" and the United States must help "identify the problems and design forums to deal with them." Progress must be made with respect to Iran's acquisition of missiles and nuclear weapons, with "a trusted representative" undertaking secret explorations in Tehran of reciprocal measures to improve relations. Africa needs a global program for AIDS. Eight principles must be borne in mind in formulating policy toward Asia. Nine principles guide a possible new approach to resolving the Arab-Israeli dispute. If humanitarian intervention in other peoples' quarrels is to become a priority, four conditions must be met.

Time and again, at the end of these passages of analysis and prescription, each with its emphatic sprinkling of "musts" and "shoulds" and "needs," Kissinger calls for vision and leadership. But vision for what, and leadership toward which ends and in what forms, remains very unclear. There is nothing to indicate what positive achievements Kissinger envisages for America, or what shape he would hope the world might be in a century hence. Vision and leadership in this view seem prophylactic, code words for accommodating the demands of other people.

But even on the assumption that convincing others to adopt democracy, or opposing totalitarianism in the name of human rights, is so much Wilsonian absurdity, is it enough just to seek a modus vivendi with those whose values are opposed to America's? The future envisaged here will belong to bureaucrats and diplomats traveling in phalanxes from one conference to the next. This in itself supposes a world in which rationality takes primacy over ambition and there is a disposition on everybody's part to reach agreement, plus plenty of time in which to do so. It speaks well for Kissinger's humaneness that this is his remedy for danger, but the realization of his proliferating "musts" and "shoulds" and "needs" will depend on more than fine speeches alone.

To be blunt, are those overseas garrisons and fleets merely decorative? If not, is their ultimate role to strike a balance of forces, or to pursue the national interest regardless? Peculiarly, Kissinger omits any discussion of crises in which the preemptive use of force may be the last remaining option. Such appeared to be the case in Bosnia, and perhaps in Kosovo, too. And what if the Saudi royal family should be overthrown? What is to be done in the event that Iran and Iraq, or India and Pakistan, are seen to be preparing a nuclear strike? What if Russia moves against the Baltic states or Ukraine? Or if a rogue state or terrorist group is known to be targeting the United States?

A hundred years from now, readers may well be astonished that at the height of America's power, one of its most distinguished and hardheaded statesmen was recommending a posture whose inadvertent effect would be to undermine the will to use force when the national interest demanded it, and thus hasten another set of captains and kings on their path to oblivion.

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Vishnu in Pittsburgh

A New Religious America: How a "Christian Country" Has Now Become the World's Most Religiously Diverse Nation
by Diana L. Eck
HarperSanFrancisco. 385 pp. $26.00

Reviewed by
Naomi Schaefer

When President George W. Bush launched his Office of Faith-Based and Community Initiatives in February, he was repeatedly asked how the government would treat applications for funding from less familiar religious groups. Would Hindus receive the same consideration as Presbyterians and Jews? Would Muslim imams compete on an equal footing with priests and preachers?

Such questions are hardly hypothetical, as Diana L. Eck vividly documents in her new book. Thanks to immigration and religious conversions, the U.S. has become home over the last 30 years to an astonishing array of non-Judeo-Christian faiths. The largest of these groups—Hindus, Buddhists, and Muslims—now constitute sizable minorities all across the country, in small towns and suburbs no less than in big cities.

A professor of religion at Harvard and the head of a research effort there called the "pluralism project," Eck has spent much of the last decade visiting these seemingly exotic religious communities and learning how their members live and worship. As she sees it, most Americans are only dimly aware of this new and unprecedented diversity of creed, and have yet to come to terms with accommodating it.

America's Hindu population, Eck reports, has roughly doubled over the last decade, to 1.6 million, largely as a result of liberalized terms of entry for skilled immigrants from India. Though many of these doctors, engineers, and scientists were not observant back home, in the U.S. they have felt a need to reconnect with their religious roots. The result, Eck shows, has been an explosion of temple-building, from a humble converted warehouse in Sunnyvale, California to a sparkling new sanctuary on a hilltop in suburban Maryland. "And so it is," she writes, referring to the new homes of the most important Hindu deities, "that Lord Rama resides in Chicago, Vishnu in Pittsburgh, the Goddess

Naomi Schaefer, *assistant editor of* Commentary, *is working on a book about religious colleges in America.*

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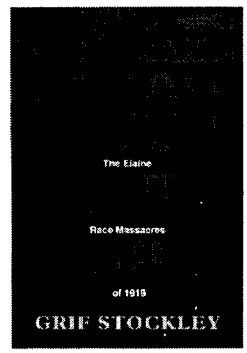

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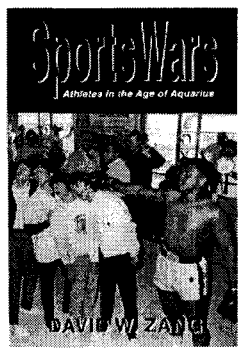

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Meenakshi in Houston, and the Goddess Lakshmi in Boston."

As for Buddhism, its center in the U.S. is California, whose large and growing Asian population encompasses virtually every form of that Eastern religion. Indeed, as Eck sees it, Los Angeles—with its substantial Chinese, Korean, Japanese, Vietnamese, Cambodian, and Thai communities—is "unquestionably the most complex Buddhist city in the world." Completing the picture—and making it difficult to estimate the total number of American Buddhists—are the countless non-Asians in California and elsewhere who, if not exactly full co-religionists, have enthusiastically adopted meditation and other Buddhist practices.

Of the approximately 6 million Muslims now living in America, the vast majority, according to Eck, are immigrants or their children, having come from Syria and Lebanon early in the 20th century and, more recently, from Pakistan and India. Though Eck visits newer Islamic centers in places like Quincy, Massachusetts; Toledo, Ohio; and Pompano Beach, Florida, she devotes most of her reporting to the large, well-established Arab community in the state of Michigan. (A smaller but still significant part of the Islamic community is composed of American blacks, who have come to the faith, Eck explains, either through the long-preserved traditions of their West African ancestors or through the more recent efforts of the Nation of Islam and its offshoots.)

ONE KEY to these groups' success in the U.S., Eck suggests, has been their readiness to accept American norms. Thus, most of the communal activities sponsored by a large mosque in Dearborn, Michigan—"classes for all ages, meals in the dining hall, Thursday evening youth programs with pizza, even a Girl Scout and a Brownie troop"—are no different from those of a full-service modern church. For their part, Hindus in Nashville, unable to erect a temple for every god they wished to worship, solved the problem in a uniquely American way—by a vote in which the popular god Ganesha "won by a landslide."

Yet, despite such bows to American practices and beliefs, these newcomers, Eck laments, have not always been welcomed by their neighbors. A group of Cambodians in Maine, for instance, was blocked by a local zoning board from securing land for a Buddhist sanctuary. The words "Get out Hindoos" were painted on the walls of a Hindu temple in New Jersey. And Muslim women have been fired from jobs at major U.S. corporations like Domino's Pizza and U.S. Air for refusing to shed their religiously mandated headscarves.

Combating such discrimination, Eck believes, must become a civic priority. Americans of every creed need to work on "building bridges" among the country's diverse communities, turning interfaith dialogue and cooperation into a reality of everyday life. Only when we "create a society in which we actually know one another" will Christians, Jews, Hindus, Buddhists, and Muslims begin to regard each other as equal fellow citizens.

A New Religious America is in many ways an impressive achievement. Not only does it offer a rich description of the new religious terrain of the United States, but it also serves as a useful primer on the basic beliefs and practices of the major non-Judeo-Christian faiths. Eck's enthusiasm for what she has found can be cloying—a reader is charmed only so many times by the juxtaposition in one community of, say, a Hindu temple built by Trinidadians, a bustling Pakistani-dominated Islamic center, and a congregation of Korean Baptists—but on the whole she has succeeded in capturing the vitality of these burgeoning faiths.

Unfortunately, in her eagerness to celebrate this new diversity, Eck refuses to confront its less benign aspects, especially with regard to U.S. Muslims. She treats the Council on American Islamic Relations—a group that has defended Islamic terrorism and attempted to silence those who expose it—as an advocate of tolerance and understanding, seeking to dispel anti-Muslim stereotypes. At the same time, she glosses over the centrality of anti-Semitism to the message of the Nation of Islam, saying only that the group has "captured headlines, positive and negative."

Neglecting the threat posed *by* some of the country's new communities, Eck also fails to recognize the most serious threats *to* them. For her, the key problem is bigotry. But her own reporting belies this. Such resistance as these groups encounter—and there is not much—usually arises from misunderstanding or the clash of legitimate interests, not outright hostility. Even

AMERICAN WOMEN WRITERS AND THE NAZIS
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Thomas Carl Austenfeld

"Much has been written of late regarding modernist writers—almost always men such as Ezra Pound and T. S. Eliot—who either colluded with fascist leaders or who expressed sentiments that were sometimes alarmingly fascist in nature. With its emphasis on *women*, politics, and ethics, *American Women Writers and the Nazis* provides a needed and intriguing chapter on the relationship of American writers to one of the most devastating political movements of the modern era—indeed, of any era."—WILL BRANTLEY, author of *Feminine Sense in Southern Memoir: Smith, Glasgow, Welty, Hellman, Porter, and Hurston*

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when nontraditional religious communities spark controversy, they often find strong allies among their new neighbors or in the American system of law. In Maine, as Eck herself relates, the Cambodians whose proposal for a Buddhist temple was turned down by the zoning board were able to secure a new site six month's later, thanks in large part to a $10,000 loan from the local Quaker meeting. Under the threat of legal action, American corporations, including Domino's Pizza and U.S. Air, have reinstated fired employees and reconsidered headscarf-wearing applicants.

If anything, according to several of the religious spokesmen interviewed by Eck, America has been *too* accommodating. Their chief worry is not discrimination but assimilation—a process that has already caused the faith of their younger members to recede and their numbers to shrink. The last thing that most of these religious groups need, in short, is more "bridge-building," even in Diana Eck's tame version of it. As they have discovered, the principal challenge of life in America is not to absorb the wider culture—with its easygoing openness to every form of antitraditionalism—but rather to carve out a small haven from it.

Mr. Independence

John Adams
by David McCullough
Simon & Schuster. 751 pp. $35.00

Reviewed by
Richard A. Samuelson

On July 2, 1776, John Adams watched with satisfaction as the Continental Congress, moved in large part by his own eloquence and force of will, voted to declare American independence from Great Britain. As he wrote at the time to his wife Abigail, "The second day of July 1776 will be the most memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival."

Adams was slightly off—the moment "celebrated by succeeding generations" would come two days later, when Congress approved the actual Declaration of Independence—but the episode is telling. As compared with the other leading men of the founding era—figures like Jefferson, Washington, and Franklin—Adams has always gotten short shrift, especially in the popular imagination.

David McCullough, author of the Pulitzer-Prize-winning *Truman* (1992) and several other widely read works of American history, aims to remedy this injustice in his lively new biography. Indeed, if it were up to McCullough, as he made clear in recent testimony on Capitol Hill, the next great monument on the Mall in Washington, D.C. would pay tribute to Adams and his illustrious family.

In McCullough's hands, the life of John Adams (1735-1826) is a classic American success story. The son of a farmer and shoemaker in the village of Braintree, Massachusetts, Adams won admission to Harvard, took up the law shortly after graduation, and soon became the most important lawyer in the state.

From there he began his sharp and steady political ascent. As a member of the first and second Continental Congresses, Adams rose from relative obscurity to become, in the words of a contemporary, "the first man in the House" by the spring of 1776. Chairman of the congressional Board of War during the Revolution, a negotiator of the Treaty of Paris (securing British recognition of American independence), the former colonies' first ambassador to Great Britain,

Richard A. Samuelson *is writing a book about the Adams family.*

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first Vice President of the United States, and then, in 1797, George Washington's successor in the presidency—Adams played a key role in every phase of the nation's early development.

Lying behind this extraordinary record of service, McCullough emphasizes throughout, was a man of strong character. Adams was every bit the stereotypical New Englander. Ambitious, deeply intelligent, hard-working, and God-fearing, he was the sort of father who could advise his daughter that "all we have to do" is "to be good and to do good."

Yet, as McCullough notes, Adams possessed other virtues less typically associated with the Yankee. When Congress sent him on a mission to France, he agreed to cross the North Atlantic in the dead of winter—a dangerous passage in the age of sail. And when the ship was forced to square off against a British vessel, the middle-aged diplomat took his place "among my marines," the captain later reported, "accoutered as one of them in the act of defense."

Adams was also capable of great acts of generosity. In early 1797, when a fire broke out in the home and shop of Andrew Brown, a publisher whose Philadelphia newspaper had vilified Adams in the recent presidential campaign, the President-elect, McCullough writes, "was conspicuous among the men handing up buckets to fight the blaze."

As for Adams's relationship with his wife Abigail—the vivacious, opinionated woman who was his indispensable partner from their marriage in 1764 until her death in 1817—McCullough conveys their impassioned regard for one another, and the personal toll exacted by John's long years of service away from home. Indeed, Adams himself emerges as a man at once keenly appreciative of womankind and mindful of their honor. As he wrote in his later years, though "of an amorous disposition," he had never given any "virgin or matron . . . cause to blush at the sight of me, or to regret her acquaintance with me."

IN MCCULLOUGH'S eyes, the leitmotif of Adams's public career was his devotion to independence—not just for America but for himself as well. It was, in fact, Adams's insistence on steering his own course that was largely responsible for leaving him without defenders or, as he called them, "puffers," and for sending him into retirement after only a single term as President.

Succeeding George Washington in 1797, just as the French started to seize American ships in the West Indies, Adams defied the wishes of both his own Federalist party, which ultimately wanted war, and the Jeffersonian Republicans, who blamed the crisis on the Federalists. Though President Adams negotiated a settlement with the French, he was left in almost complete political isolation, and suffered an embittering loss to Jefferson in the surprisingly close election of 1800.

Adams would devote much of the remaining quarter-century of his life to reading, thinking, and arguing about philosophy, religion, history, and the future of the still-young republic. With time, McCullough shows, his demeanor grew mellower. Not believing that politics should ruin a friendship, Adams wrote to his old friend and rival Jefferson at the beginning of 1812, initiating a wide-ranging correspondence that would last almost right up to the day on which both men died, July 4, 1826—the 50th anniversary of American independence.

THOUGH DAVID MCCULLOUGH'S book breaks little new ground with respect to Adams, it is a well-researched and highly readable account, enlivened by the anecdotal style and attention to detail that are the author's trademark. From a literary perspective, the book falters in the sections devoted almost exclusively to Abigail: one senses at times that McCullough considered a dual biography but, having decided against it, nonetheless kept long stretches in which we often lose sight of Adams himself.

McCullough also tends to gloss over those aspects of Adams's career that do not fit neatly into a personal narrative. He mentions that President Adams signed the Sedition Act of 1798—still controversial among civil libertarians today—and condemns Adams for it, but he passes over the subject rather quickly. More fundamentally, though McCullough appreciates that Adams was often a profound political thinker and duly notes that he shone as a constitutional architect, the book provides no sustained discussion of Adams's ideas. Readers will not learn from McCullough's biography why a number of scholars consider Adams, in the words of the political scientist Harold Laski, "the greatest political thinker whom America has yet produced."

This lacuna is particularly regret-

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table. Not only was Adams as responsible as anybody for the American model of government, but he anticipated the ugly turn that politics would take in our own age. He saw from the start what was most condemnable in the French Revolution. As he wrote, "I consider the perfectibility of man as used by modern philosophers to be mere words without a meaning." God had given man certain fundamental rights, he believed, but also the passions and appetites that threatened those rights. For Adams, the challenge of modern politics was not to overcome human vice, error, and conflict, but rather to manage and mediate them. As he wrote in 1787, "power must be opposed to power, and interest to interest."

Still, there is much to recommend in McCullough's vivid portrait of this underappreciated founding father. After all, the man whom he brings to life was a devoted and loving husband, a courageous public servant, a wise counselor, and a political leader who would have considered opinion polling an abomination. Perhaps for these things alone John Adams deserves a monument in today's Washington.

Selling Choice

Schools, Vouchers, and the American Public
by Terry M. Moe
Brookings. 350 pp. $29.95

Reviewed by
James Q. Wilson

WHEREVER VOUCHERS for school children have been put to a vote, they have been defeated. This has prompted the head of the National Education Association, the country's largest teachers' union, to announce that the year 2000 witnessed the "death knell" of the voucher movement.

The defeat was most conspicuous in California. In 1993, less than one-third of California voters in a statewide initiative said yes to school vouchers. According to the proposal's supporters at the time, the trouble was that they had lacked sufficient financing to defeat the stern opposition of the California Teachers Association. But in 2000 essentially the same proposal reappeared on the ballot, this time backed heavily by a wealthy Silicon Valley venture capitalist. More than $30 million was spent on behalf of the initiative, but it went down to the same inglorious defeat.

An initiative in Michigan that would seem to have enjoyed a much greater likelihood of success met a similar fate. This proposal was focused on children in schools that performed poorly, and it had the active support of the Catholic Church, the Michigan Chamber of Commerce, and many black ministers. Its backers also outspent the local teachers' union. But despite these political advantages, less than one-third of the voters said yes. And so, too, with virtually every other such measure promising significant educational reform, including efforts in Colorado, Oregon, and Washington.

Terry Moe, who with John Chubb published an influential 1990 book arguing in favor of parental choice in education, cannot but be upset by the limitations on choice created by this steady defeat of voucher plans. But if so, there is no hint of it in his newest book—a thoughtful, leisure-

JAMES Q. WILSON *is the Ronald Reagan professor of public policy at Pepperdine University. His new book,* The Marriage Problem, *will be published next year.*

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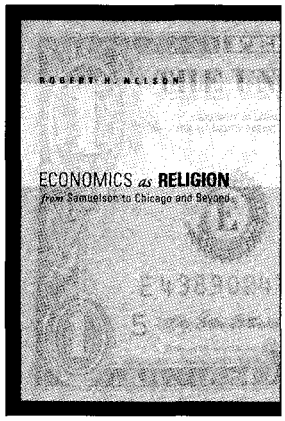

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ly, and dispassionate review of why voucher plans have failed in public opinion and what might yet make them succeed.

THE ANSWER to at least the first of these questions is easily stated: Americans are not libertarians. The economist Milton Friedman deserves universal admiration for having first formulated the basic case for school choice in a famous 1955 essay, but Americans are not enamored of choice alone. "Americans like the public-school system," Moe writes simply and truly.

Indeed, they may like it too much, since they are often willing to ignore studies that show how poorly American students do in international comparisons. But whether or not Americans are shortsighted in this regard, they also have their reasons. They like the idea of children being educated together—it appeals to their democratic instincts—and they think that the state should have some say in regulating what goes on in schools. If a local school system does poorly, they have also developed methods of coping. The wealthy can buy their way into private schools, and the middle class can make school quality an important factor in deciding where to live. As for people without school children, they can ignore the whole issue.

At this point, a libertarian economist might well conclude that Americans are following their own rational self-interest after all. That is true, but only up to a point. Even those Americans whose children do not attend public schools persist in attaching positive social value to them—just as people attach value to the condition of the economy even when they are not themselves worried about employment. Similarly, Americans persist in supporting the public schools even when, as Moe shows, they think private schools do a better job, especially at such matters as racial diversity, social justice, the teaching of morality, and the tolerance of religion. Those least happy with the public schools are poor, inner-city Americans (who also tend to lack the means to do much about their unhappiness); but a lot of Americans who are not poor also worry about the public schools.

Where voucher programs have been put in place, Moe tells us, it has come about in large measure because ordinary politics—not the advertising-driven politics of initiative campaigns—has brought together people with school troubles and people who want to help them. This has been done most conspicuously in Milwaukee, where Polly Williams, a black state legislator determined to help her constituents, teamed up with conservative business and political leaders and the Bradley Foundation to put in place a school-voucher program that now enables many thousands of children to attend religious schools. Wisconsin's highest court has upheld the plan and, in my view, there is a reasonable chance the U.S. Supreme Court will do the same on appeal, even though critics allege that it violates the "establishment of religion" clause of the First Amendment.

As Moe demonstrates, the Milwaukee model has been followed elsewhere. In Cleveland, a Democratic city councilwoman teamed up with a Republican governor to persuade the legislature to approve a voucher plan for low-income, predominantly black children; a federal district judge has struck down the program, but this case, too, appears to be headed to the Supreme Court. In Florida, Governor Jeb Bush successfully enacted a statewide program that gives vouchers to children in "failing schools," though this is on its way as well to the Supreme Court as well. In New Jersey, Bret Schundler, now the Republican candidate for governor, won the mayoralty of Jersey City in part because he backed a voucher program, though his efforts so far have not won state approval.

Most important, in Moe's view, a number of wealthy benefactors have set up voucher programs in several cities that now give scholarships to about 50,000 children. Since the money is private, it is hard to see how the effort can be successfully challenged in court.

ONE OF the most interesting things about these developments is that they mobilize support from constituents of liberal organizations. The NAACP, for example, is opposed to vouchers, but many people who could be (and perhaps are) members of the NAACP support them.

I keenly recall speaking on the subject of vouchers to an Aspen Institute audience composed largely of Democratic members of Congress. They were adamantly opposed. I tried to make the case that no one should be against vouchers without first seeing how they worked, something that the opposition of people like them was making it harder to do. My audience was unimpressed. I then suggested that their own voters were increasingly favoring vouchers; this they dismissed as the consequence of "propaganda."

I think they are wrong, and I think Moe agrees with me. But the problem is not only on their side of the political aisle. Most conservatives and most Republicans have few connections with the inner-city poor. When they endorse vouchers, it is largely on the basis of ideology. Now, ideology is not irrelevant to this matter, but ideology alone will not get the job done, as the votes in statewide initiatives quite clearly show.

Supporters of vouchers often express dismay at the fact that they rarely get any help from Republican leaders who supposedly believe in markets. In California, Republican elites did not back vouchers; in Michigan, Governor John Engler would not endorse them; in the nation's capital, President Bush has not pushed hard for them. These

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folks may like markets, but they like electoral victories even more, and they know something that academic supporters of vouchers often forget—namely, that the American public, though it says it favors "choice," also likes the public schools, and worries that vouchers may reduce spending on and collective control of those schools. As a politician, you cannot favor vouchers in a way that makes it appear that you want to undo the public-school system.

All of this suggests to Moe—and to me—that a top-down strategy will not work, at least for the most part. It may work for the city of Washington, D.C., where Congress controls local policy and Bill Clinton is no longer in office to veto a congressional effort in that direction. Elsewhere, however, if vouchers are to succeed, the effort must work from the bottom up.

THIS BOOK should be studied carefully by anyone interested in the fate of vouchers, and especially by anyone who thinks they are a good idea. It is written not as a piece of campaign strategy but as a careful analysis of the views of nearly 5,000 Americans, interviewed in 1995. And it is written by a first-class political scientist who knows how and why the American political system always (and, to me, desirably) makes it hard for the proponents of any new idea to get it accepted.

Moe not only understands the issues; he understands the limits, and the deceptiveness, of opinion polls. Phi Delta Kappa (PDK), the international association of educators, has been publishing survey data about vouchers for decades, but the results have been compromised by how the questions are worded. Nor are conclusions consistent from poll to poll. A 1992 survey by the Carnegie Foundation for the Advancement of Teaching suggested that most public-school parents were opposed to vouchers; in the same year, the National Catholic Educational Association (NCEA) produced polls suggesting that public-school parents *favored* vouchers, and so did the Gallup organization a few years later. NBC/*Wall Street Journal* polls have indicated that public support for vouchers is weak. And so it goes. Needless to say, critics of vouchers have embraced the Carnegie and NBC/*Wall Street Journal* studies, while supporters have embraced the NCEA and Gallup studies.

Moe patiently explains why these polls have come to such different results. As in the case of PDK polls, the main problem resides in the wording of the questions—that, plus the fact that many voters have not thought very much about the issue and thus have no well-considered view. They opine off the top of their heads. He also points out a truth that any supporter of an initiative campaign ought to heed: if your polls show that you are way ahead before the election campaign begins, rest assured that this support will dwindle, and perhaps disappear, as the campaign gets under way. Initiative campaigns seem to have one clear effect: people manage any uncertainty they may have by voting no.

In his own survey, Moe asked questions about vouchers in many different ways and at different points in the interview. His results, I suspect, are thus better than those produced by PDK, the NCEA, or NBC/*Wall Street Journal*. But are they entirely reliable? He is uncertain, and so am I. Vouchers must first become a big feature of American school politics before people will have settled views on the matter. And that is another reason for supporters to rely on private ventures and bottom-up local campaigns. Although conservatives generally lack the political skills to mobilize poor, inner-city parents, that too can be changed.

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Creating Incentives for Israeli-Palestinian Peace

Bruce Bueno de Mesquita is a senior fellow at the Hoover Institution and professor of politics at New York University.

Shared interests in stability are a prerequisite for peace between Palestinians and Israelis. Depressed economic opportunity reduces Palestinian interests in stability, increasing the risk of violence, as witnessed in the current Intefada in which unemployed teenagers foster lawlessness, prompting harsh responses that create violence. Terrorism is another manifestation of such risk taking. I propose a revenue-sharing plan based on income from tourism that will create mutual interests in peace and stability even in the absence of mutual trust.

Since the 1980s many have held the view that Israeli-Palestinian joint ventures and other business investments would encourage Israelis and Palestinians to live in peace. These proposals suffer from a reliance on mutual trust. Substantial investments are unlikely in an atmosphere of civil unrest. Furthermore, joint ventures are sometimes perceived as economic imperialism.

Jerusalem, in addition to being a place of religious value, is a cash cow. Tourism produces vast amounts of income. Palestinian experts anticipate that tourism will be the major industry of an independent Palestinian state. Nevertheless, the Palestinians are at a disadvantage in competing for tourism moneys because of their lack of infrastructure and investment capital. This disadvantage, however, can become a major step toward peace.

Suppose all government tourist-generated revenues from *all* of Jerusalem were divided according to a fixed formula between the two sides. For instance, Israel's current population is about 6.3 million. The populations of Gaza and the West Bank are 2.9 million. Proportionality argues that about 31 percent of tourist revenue go to Palestine and 69 percent to Israel. This division is only one possible allocation. The key is that this pooled revenue be shared according to a prearranged *fixed* formula.

A revenue-sharing arrangement ties the wealth flowing to the Palestinians to their ability to enforce a tourist-friendly atmosphere. Tourist income ebbs and flows with violence. As the record low tourism in Bethlehem over the recent Christmas holiday makes clear, when peace is lacking, tourism declines. **In an arrangement that ties revenue to tourism, both Palestinians and Israelis have incentives to minimize violence.** Because tourism is currently so much weaker in Palestinian areas, the incentive is asymmetric. A fixed revenue-sharing arrangement, regardless of where the tourist income is generated, gives both sides an interest in seeing the pie expand and gives the Palestinian leadership reasons to control the Intefada and terrorism.

A shared-revenue arrangement encourages both sides to improve access to important religious, historic, and cultural sites, assuring access for everyone to the contested sites of Jerusalem and other parts of Israel and Palestine. Furthermore, investors will have incentives to build tourist trade in Palestinian-controlled areas because both sides will benefit (the Israelis to the degree that the proportion of total tourist revenue generated within Palestine increases).

This proposal does not resolve questions such as the right of return or the contiguity of territory, but it does offer a self-enforcing solution to one central problem. Pooling tourist revenue provides a firm foundation for reducing violence and paving the way for mutual administration of Jerusalem, thereby taking a significant step toward peace.

— Bruce Bueno de Mesquita

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